

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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) "BENEFIT-SHARING PLAN" MEANS AN ARRANGEMENT WITH
27 INDIGENOUS COMMUNITIES TRADITIONALLY CONNECTED TO THE USE OF

1 IBOGAININE OR IBOGA THAT IS INTENDED TO SHARE IN THE BENEFITS THAT
2 ARISE FROM THE RESEARCH, THERAPEUTIC USE, OR COMMERCIALIZATION
3 OF IBOGAININE OR IBOGA. BENEFITS MAY INCLUDE:

- 4 (I) FINANCIAL BENEFIT SHARING;
- 5 (II) COLLABORATIVE RESEARCH OR DATA SHARING;
- 6 (III) CONSERVATION SUPPORT FOR PLANT SPECIES AND HABITATS;
- 7 (IV) COMMUNITY-IDENTIFIED DEVELOPMENT PRIORITIES;
- 8 (V) CULTURAL OR EDUCATIONAL EXCHANGES; AND
- 9 (VI) UTILIZING A SOURCE FOR IBOGAININE THAT ENGAGES IN
10 BENEFIT-SHARING AND ETHICAL AND SUSTAINABLE CULTIVATION
11 PRACTICES.

12 (b) "FUND" MEANS THE IBOGAININE RESEARCH PILOT PROGRAM CASH
13 FUND CREATED IN SUBSECTION (10) OF THIS SECTION.

14 (c) "IBOGAININE PILOT SITE" MEANS A FACILITATION SITE SELECTED
15 AND AUTHORIZED BY THE BHA TO ADMINISTER THE PILOT PROGRAM.

16 (d) "PILOT PROGRAM" MEANS THE IBOGAININE RESEARCH PILOT
17 PROGRAM ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

18 (2) THERE IS ESTABLISHED IN THE BHA THE IBOGAININE RESEARCH
19 PILOT PROGRAM FOR THE PURPOSE OF SUPPORTING RESEARCH ON THE
20 SAFETY AND EFFECTIVENESS OF USING IBOGAININE TO TREAT MENTAL
21 HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS.

22 (3) THE BHA SHALL OPERATE THE PILOT PROGRAM. IN OPERATING
23 THE PILOT PROGRAM, THE BHA:

- 24 (a) MAY APPROVE UP TO FIVE IBOGAININE PILOT SITES;
- 25 (b) MAY REQUIRE A MEMORANDUM OF UNDERSTANDING WITH
26 EACH PILOT SITE TO ENSURE PROPER ADMINISTRATION OF THE PILOT
27 PROGRAM;

1 (c) IN PARTNERSHIP WITH THE IBOGAINES PILOT SITES, AND IN
2 COORDINATION WITH OTHER APPROPRIATE STATE AGENCIES, MAY SEEK
3 FEDERAL AUTHORIZATION PURSUANT TO 21 U.S.C. SEC. 872(e) OR OTHER
4 APPLICABLE FEDERAL LAW FOR PURPOSES OF EXPANDING OR ADVANCING
5 IBOGAINES RESEARCH EFFORTS;

6 (d) SHALL ASSIST THE IBOGAINES PILOT SITES TO COMPLETE AND
7 SUBMIT AN INVESTIGATIONAL NEW DRUG APPLICATION, OR REVISE AND
8 EXPAND UPON AN EXISTING INVESTIGATIONAL NEW DRUG APPLICATION
9 WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN
10 ACCORDANCE WITH 21 CFR PART 312;

11 (e) SHALL CONSIDER WHETHER TO OBTAIN FEDERAL RESEARCH
12 PROGRAM STATUS UNDER 21 U.S.C. SEC. 872 OR OTHER APPLICABLE
13 FEDERAL LAW FOR THE PURPOSES OF EXPANDING OR ADVANCING
14 RESEARCH EFFORTS OF THE PILOT SITES;

15 (f) MAY NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH
16 THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, UNITED
17 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES
18 FOOD AND DRUG ADMINISTRATION, UNITED STATES ATTORNEY GENERAL,
19 OR ANY OTHER APPROPRIATE FEDERAL AGENCY, AS NECESSARY TO ENSURE
20 FEDERAL COMPLIANCE AND PROPER ADMINISTRATION OF THE PILOT
21 PROGRAM;

22 (g) MAY CONTRACT WITH INDIVIDUALS WITH EXPERTISE IN
23 BEHAVIORAL HEALTH, NURSING, RESEARCHING A SCHEDULE I CONTROLLED
24 SUBSTANCE, DRUG DEVELOPMENT, INSTITUTIONAL REVIEW BOARD AND
25 UNITED STATES FOOD AND DRUG ADMINISTRATION REGULATORY
26 COMPLIANCE, AND PHYSICIAN CONSULTATION SERVICES TO ASSIST IN THE
27 ADMINISTRATION OF THE PILOT PROGRAM;

1 (h) MAY ASSIST IBOGAINÉ PILOT SITES WITH FUNDING
2 OPPORTUNITIES, INCLUDING IDENTIFYING AND APPLYING FOR STATE,
3 FEDERAL, OR PRIVATE GRANTS;

4 (i) MAY AWARD GRANTS TO SELECTED IBOGAINÉ PILOT SITES TO
5 ASSIST WITH OPERATIONAL COSTS; AND

6 (j) MAY COLLABORATE AND ENTER INTO AGREEMENTS WITH
7 OTHER STATES, STATE AGENCIES, FEDERALLY RECOGNIZED TRIBES, AND
8 PUBLIC OR PRIVATE ENTITIES TO PARTICIPATE IN MULTI-STATE CONSORTIA
9 OR SIMILAR EFFORTS, INCLUDING THE SHARING OF DATA, FUNDING,
10 RESEARCH, CLINICAL PROTOCOLS, AND REGULATORY BEST PRACTICES
11 RELATED TO IBOGAINÉ AND IBOGAINÉ-RELATED THERAPIES.

12 (4) (a) THE BHA SHALL ESTABLISH A PROCESS TO SOLICIT AND
13 SELECT IBOGAINÉ PILOT SITES.

14 (b) THE BHA SHALL ESTABLISH A PILOT PROPOSAL REVIEW
15 COMMITTEE TO REVIEW APPLICATIONS RECEIVED FROM THE SOLICITATION
16 PROCESS REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION AND MAKE A
17 RECOMMENDATION TO THE BHA ON THE SELECTION OR DENIAL OF EACH
18 APPLICATION. THE BHA SHALL NOTIFY EACH APPLICANT OF THE
19 SELECTION DECISION WITHIN NINETY DAYS AFTER THE APPLICATION
20 DEADLINE SET BY THE BHA.

21 (5) TO BE ELIGIBLE AS AN IBOGAINÉ PILOT SITE, AN APPLICANT
22 MUST:

23 (a) DEMONSTRATE AN INTENT TO PURSUE THE FEDERAL APPROVAL
24 TO OPERATE AN IBOGAINÉ PILOT SITE TO STUDY SAFETY AND TREATMENT
25 EFFECTIVENESS OF THE USE OF IBOGAINÉ TO TREAT MENTAL HEALTH
26 CONDITIONS AND SUBSTANCE USE DISORDERS; AND

27 (b) ESTABLISH A BENEFIT-SHARING PLAN, WHICH MAY BE

1 DEVELOPED IN CONSULTATION WITH INDIGENOUS COMMUNITIES OR THEIR
2 RECOGNIZED GOVERNING INSTITUTIONS TRADITIONALLY CONNECTED TO
3 IBOGAINES OR IBOGA, THAT DIRECTLY BENEFITS THOSE COMMUNITIES AND
4 SHARES IN THE BENEFITS ARISING FROM RESEARCH, THERAPEUTIC USE, OR
5 COMMERCIALIZATION OF IBOGAINES OR IBOGA. THE BENEFIT-SHARING PLAN
6 MUST INCLUDE DOCUMENTATION OF THE SOURCING OF IBOGAINES OR
7 IBOGA.

8 (c) IN DEVELOPING A BENEFIT-SHARING PLAN PURSUANT TO THIS
9 SUBSECTION (5), APPLICANTS MAY CONSIDER INTERNATIONALLY
10 RECOGNIZED PRINCIPLES RELATED TO EQUITABLE BENEFIT SHARING THAT
11 MAY ARISE FROM THE USE OF RESOURCES AND TRADITIONAL KNOWLEDGE.

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

16 (I) THE APPLICATION PROCESS FOR PROSPECTIVE IBOGAINES PILOT
17 SITE APPLICANTS;

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

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

23 (IV) INFORMATION SHARING BETWEEN THE IBOGAINES PILOT SITES
24 AND THE BHA;

25 (V) ADVERSE EVENT REPORTING; AND

26 (VI) OTHER RULES THAT ARE NECESSARY FOR THE SAFE AND
27 EFFECTIVE OPERATION OF THE IBOGAINES PILOT SITES AND ADMINISTRATION

1 OF THE IBOGAIN RESEARCH PILOT PROGRAM ESTABLISHED BY THIS
2 SECTION.

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

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

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

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

26 (10) THE IBOGAIN RESEARCH PILOT PROGRAM CASH FUND IS
27 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS,

1 AND DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (9) OF
2 THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
3 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
4 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
5 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
6 IS CONTINUOUSLY APPROPRIATED TO THE BHA FOR THE PURPOSE OF
7 ADMINISTERING THE IBOGAIN RESEARCH PILOT PROGRAM AND AWARDING
8 GRANTS TO SELECTED IBOGAIN PILOT SITES.

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

11 (12) THIS SECTION DOES NOT PRECLUDE A PERSON FROM
12 ADMINISTERING IBOGAIN OUTSIDE OF THE PILOT PROGRAM IN
13 COMPLIANCE WITH FEDERAL LAW OR AS PERMITTED PURSUANT TO THE
14 "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12,
15 AND THE "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE
16 44.

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

20 (14) (a) A PHYSICIAN OR HEALTH-CARE PROFESSIONAL
21 ADMINISTERING IBOGAIN TO PARTICIPANTS AS PART OF THE PILOT
22 PROGRAM, OR AN IBOGAIN PILOT SITE, IS NOT LIABLE FOR MONEY
23 DAMAGES IN A CIVIL MALPRACTICE ACTION A PHYSICAL OR
24 PSYCHOLOGICAL INJURY THAT A PARTICIPANT MAY EXPERIENCE AS A
25 RESULT OF BEING ADMINISTERED IBOGAIN AS A PARTICIPANT IN THE PILOT
26 PROGRAM, UNLESS THE INJURY WAS THE DIRECT RESULT OF THE
27 PHYSICIAN'S OR HEALTH-CARE PROFESSIONAL'S INTENTIONAL

1 MISCONDUCT, GROSS NEGLIGENCE, OR A DEVIATION FROM THE GENERALLY
2 ACCEPTED STANDARDS OF PRACTICE.

3 (b) THIS SUBSECTION (14) DOES NOT APPLY TO ADMINISTRATIVE
4 PROCEEDINGS.

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

7 **12-170-104. Definitions.**

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

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

11 (II) Ibogaine, if recommended by the board and approved by the
12 director and the executive director of the state licensing authority; AND
13 IBOGAINE DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE
14 TABERNANTHE IBOGA PLANT OR VOACANGA AFRICANA PLANT, IF
15 APPROVED BY THE BOARD AS A NATURAL MEDICINE AND TO THE EXTENT
16 PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN THE
17 ADMINISTRATIVE SESSIONS PURSUANT TO THIS ARTICLE 170 AND ARTICLE
18 50 OF TITLE 44; or

19 (c) "Natural medicine" does not mean a synthetic or synthetic
20 analog of the substances listed in subsections (12)(a) and (12)(b) of this
21 section, including a derivative of a naturally occurring compound of
22 natural medicine that is produced using chemical synthesis, chemical
23 modification, or chemical conversion, EXCEPT FOR IBOGAINE DERIVED
24 FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA
25 PLANT, VOACANGA AFRICANA PLANT, OR ANOTHER SOURCE THAT IS
26 RECOMMENDED BY THE BOARD, PURSUANT TO SECTION 12-170-106, FOR
27 USE AS A NATURAL MEDICINE AND TO THE EXTENT PERMITTED BY THE

1 STATE LICENSING AUTHORITY, FOR USE IN ADMINISTRATION SESSIONS,
2 PURSUANT TO THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44.

3 **SECTION 4.** In Colorado Revised Statutes, 12-170-105, **amend**
4 (1)(a) introductory portion; and **add** (1)(a)(I.5) as follows:

5 **12-170-105. Director powers and duties - prohibition - rules.**

6 (1) In addition to any other powers and duties granted or imposed
7 on the director pursuant to this article 170 or by any other law, the
8 director has the following powers and duties:

9 (a) To ~~promulgate~~ **ADOPT** rules pursuant to section 12-20-204
10 concerning the following subjects:

11 (I.5) REQUIREMENTS FOR THE USE AND ADMINISTRATION OF
12 IBOGAINE, INCLUDING:

13 (A) REQUIRING MEDICAL PRESCREENING, WHICH MAY INCLUDE AN
14 ELECTROCARDIOGRAM, BLOOD TESTS, GENETIC TESTS, AND ANY OTHER
15 MEDICAL TEST, THE RESULTS OF WHICH MAY BE USED TO HELP REDUCE THE
16 RISKS RELATED TO IBOGAINE ADMINISTRATION FOR A PARTICIPANT;

17 (B) REQUIRING CONTINUOUS MEDICAL MONITORING DURING AN
18 IBOGAINE ADMINISTRATION SESSION;

19 (C) REQUIRING APPROPRIATE OVERSIGHT BY TRAINED AND
20 EXPERIENCED MEDICAL PROFESSIONALS DURING AN IBOGAINE
21 ADMINISTRATION SESSION; AND

22 (D) REQUIRING EXTENDED INTEGRATION OR AFTERCARE, AS
23 APPROPRIATE, WHICH MAY UTILIZE REFERRALS, MEDICAL AND MENTAL
24 HEALTH PROFESSIONALS, AND CERTIFIED PEER SUPPORT SPECIALISTS;

25 **SECTION 5.** In Colorado Revised Statutes, 12-170-106, **amend**
26 (1), (2), (4)(c), and (5)(f); and **add** (4)(d), (4)(e), and (4)(f) as follows:

27 **12-170-106. Board - creation - appointment - duties - report.**

1 (1) There is created within the division a natural medicine
2 advisory board, which consists of fifteen VOTING members AND ONE
3 NONVOTING MEMBER DESCRIBED IN SUBSECTION (3) OF THIS SECTION, to
4 advise the division and the state licensing authority concerning the
5 implementation of this article 170 and article 50 of title 44. THE BOARD
6 IS ADVISORY IN NATURE AND SHALL NOT EXERCISE LICENSING,
7 ENFORCEMENT, RULE-MAKING, OR OPERATIONAL AUTHORITY.

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

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

24 (b) (c) ~~Eight members with significant expertise and experience~~
25 ~~in one or more of the following areas: Religious use of natural medicines;~~
26 ~~issues confronting veterans; traditional tribal or Indigenous use of natural~~
27 ~~medicines; levels and disparities in access to health-care services among~~

1 ~~different communities; and past criminal justice reform efforts in~~
2 ~~Colorado. At least one of the eight members must have expertise or~~
3 ~~experience in traditional, tribal, or Indigenous use of natural medicines.~~

4 MEMBERS APPOINTED TO THE BOARD MUST HAVE RELEVANT EXPERIENCE
5 TO THE NATURAL MEDICINE CURRENTLY BEING REGULATED OR UNDER
6 CONSIDERATION BY THE BOARD. RELEVANT EXPERIENCE MAY CONSIST OF
7 WORK OR EXPERTISE IN THE FOLLOWING AREAS:

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

10 (II) PHYSICAL HEALTH CARE, MENTAL HEALTH CARE, BEHAVIORAL
11 HEALTH CARE, OR SUBSTANCE USE DISORDER TREATMENT;

12 (III) EMERGENCY MEDICAL SERVICES, FIRST RESPONDER SERVICES,
13 OR ACUTE CARE MEDICINE;

14 (IV) PUBLIC HEALTH, DRUG POLICY, HARM REDUCTION, OR
15 HEALTH-CARE POLICY;

16 (V) NATURAL MEDICINE CULTIVATION, SOURCING, PROCESSING,
17 MANUFACTURING, SUPPORTIVE CARE PROVIDED PRIOR TO AND FOLLOWING
18 THE ADMINISTRATION OF NATURAL MEDICINE, OR QUALITY CONTROL OF
19 NATURAL MEDICINE;

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

22 (VII) RELIGIOUS, SPIRITUAL, TRADITIONAL, TRIBAL, OR
23 INDIGENOUS USE OF NATURAL MEDICINE;

24 (VIII) ISSUES IMPACTING VETERANS OR OTHER POPULATIONS
25 DISPROPORTIONATELY IMPACTED BY SUBSTANCE USE DISORDER OR
26 MENTAL HEALTH CONDITIONS;

27 (IX) HEALTH-CARE ACCESS, HEALTH EQUITY, OR DISPARITIES IN

1 ACCESS TO CARE;

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

4 (XI) ISSUES AFFECTING THE ECOLOGY OR CULTURE OF INDIGENOUS
5 PEOPLE WHO HAVE HISTORICALLY USED NATURAL MEDICINE.

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

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

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

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

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

26 (f) A MEMBER APPOINTED PURSUANT TO SUBSECTION (4)(e) OF
27 THIS SECTION SERVES FOR THE DURATION OF THE TERM BEING FILLED,

1 SUBJECT TO SUBSECTION (4)(d) OF THIS SECTION.

2 (5) The board shall make recommendations to the director and
3 state licensing authority related to, but not limited to, the following areas:

4 (f) The addition of other types of natural medicine to this article
5 170 and article 50 of title 44 pursuant to section 12-170-104 (12)(b)(I),
6 (12)(b)(II), or (12)(b)(III) based on available medical, psychological, and
7 scientific studies, research, and other information related to the safety and
8 efficacy of each natural medicine, and shall prioritize considering the
9 addition of ibogaine pursuant to section 12-170-104 (12)(b)(II), to this
10 article 170, and to article 50 of title 44, INCLUDING ADDITIONAL GENERA
11 OR SPECIES OF PLANTS THAT MAY BE CULTIVATED AND MANUFACTURED
12 TO CREATE SEMI-SYNTHETIC IBOGAINE;

13 **SECTION 6.** In Colorado Revised Statutes, 12-170-113, **add** (3)
14 as follows:

15 **12-170-113. Protections.**

16 (3) (a) A FACILITATOR IS NOT LIABLE FOR MONEY DAMAGES IN A
17 CIVIL MALPRACTICE ACTION FOR A PHYSICAL OR PSYCHOLOGICAL INJURY
18 THAT A PARTICIPANT MAY EXPERIENCE AS A RESULT OF THE FACILITATOR'S
19 PERFORMANCE OR SUPERVISION OF NATURAL MEDICINE SERVICES FOR A
20 PARTICIPANT, UNLESS THE INJURY WAS THE DIRECT RESULT OF THE
21 FACILITATOR'S INTENTIONAL MISCONDUCT, GROSS NEGLIGENCE, OR A
22 DEVIATION FROM THE GENERALLY ACCEPTED STANDARDS OF PRACTICE.

23 (b) THIS SUBSECTION (3) DOES NOT APPLY TO ADMINISTRATIVE
24 PROCEEDINGS.

25 **SECTION 7.** In Colorado Revised Statutes, 44-50-104, **amend**
26 (2) as follows:

27 **44-50-104. Applicability.**

1 (2) A person applying for licensure pursuant to this article 50 must
2 complete forms as provided by the state licensing authority and must pay
3 the application fee and the licensing fee, which must be credited to the
4 regulated natural medicine division cash fund established pursuant to
5 section 44-50-601. The state licensing authority shall prioritize reviewing
6 applications from applicants ~~who have established residency in Colorado.~~
7 IN THE FOLLOWING ORDER:

8 (a) APPLICANTS WHO PARTICIPATE IN THE PILOT PROGRAM TO
9 ADMINISTER IBOGAINE PURSUANT TO SECTION 27-60-207;

10 (b) APPLICANTS WHO HAVE ESTABLISHED RESIDENCY IN
11 COLORADO; AND

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

14 **SECTION 8.** In Colorado Revised Statutes, 44-50-202, **amend**
15 (1)(a) as follows:

16 **44-50-202. Powers and duties of state licensing authority -**
17 **report - rules.**

18 (1) The state licensing authority shall:

19 (a) Beginning on or before December 31, 2024, grant or refuse
20 state licenses for the cultivation, manufacturing, testing, storage,
21 distribution, transport, transfer, and dispensation of regulated natural
22 medicine or regulated natural medicine product; suspend, fine, restrict, or
23 revoke ~~such~~ THE licenses, whether active, expired, or surrendered, upon
24 a violation of this article 50 or a rule ~~promulgated~~ ADOPTED pursuant to
25 this article 50; and impose any penalty authorized by this article 50 or a
26 rule ~~promulgated~~ ADOPTED pursuant to this article 50. The state licensing
27 authority may take any action with respect to a registration or permit

1 pursuant to this article 50 as it may with respect to a license issued
2 pursuant to this article 50, in accordance with the procedures established
3 pursuant to this article 50.

4 (I) THE INCORPORATION OF ADDITIONAL NATURAL MEDICINES, AS
5 RECOMMENDED BY THE BOARD AND APPROVED BY THE DIRECTOR AND
6 EXECUTIVE DIRECTOR OF THE STATE LICENSING AUTHORITY, IS SUBJECT TO
7 AVAILABLE FUNDING TO COVER THE DIRECT AND INDIRECT COSTS OF
8 ADMINISTERING THIS ARTICLE 50 . THE STATE LICENSING AUTHORITY IS
9 NOT REQUIRED TO INCORPORATE ADDITIONAL NATURAL MEDICINES IF
10 THERE IS NOT SUFFICIENT FUNDING TO FINANCE PROGRAM
11 ADMINISTRATION.

12 (II) ONCE SUFFICIENT FUNDING IS SECURED FOR PROGRAM
13 IMPLEMENTATION, THE STATE LICENSING AUTHORITY, IN CONSULTATION
14 WITH THE BOARD, THE DEPARTMENT OF REGULATORY AGENCIES, THE
15 BEHAVIORAL HEALTH ADMINISTRATION, AND THE DEPARTMENT OF PUBLIC
16 HEALTH AND ENVIRONMENT, SHALL DETERMINE THE PROGRAM SCOPE FOR
17 IMPLEMENTATION.

18 **SECTION 9.** In Colorado Revised Statutes, 44-50-203, **add**
19 (4)(c), (5), and (6) as follows:

20 **44-50-203. State licensing authority - rules.**

21 ■ ■

22 (4) (c) THE STATE LICENSING AUTHORITY MAY ESTABLISH
23 DIFFERENT APPLICATION FEES FOR LICENSES BASED ON THE TYPE OF
24 NATURAL MEDICINE THAT THE LICENSEE SEEKS TO CULTIVATE,
25 MANUFACTURE, TEST, OR DISPENSE.

26 (5) (a) A LICENSEE SEEKING TO CULTIVATE, MANUFACTURE, TEST,
27 DISPENSE, OR ADMINISTER IBOGAINE SHALL, IN CONSULTATION WITH

1 INDIGENOUS COMMUNITIES OR THEIR AUTHORIZED REPRESENTATIVE,
2 ESTABLISH A BENEFIT-SHARING PLAN THAT DIRECTLY BENEFITS THOSE
3 COMMUNITIES. A LICENSEE MAY USE OR RELY ON A THIRD PARTY FOR
4 CONSULTATION.

5 (b) A LICENSEE SHALL MAINTAIN DOCUMENTATION
6 DEMONSTRATING THE CONSULTATION PROCESS AND THE DEVELOPMENT OF
7 THE BENEFIT-SHARING PLAN AND MAKE THE DOCUMENTATION PUBLICLY
8 AVAILABLE UPON REQUEST.

9 (6) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
10 INDIGENOUS COMMUNITIES TO DISCLOSE OR SHARE TRADITIONAL
11 KNOWLEDGE, CEREMONIAL PRACTICES, OR CULTURAL EXPRESSIONS.

12 **SECTION 10.** In Colorado Revised Statutes, 44-50-601, **amend**
13 (1)(a) as follows:

14 **44-50-601. Regulated natural medicine cash fund - created -**
15 **rules - fees.**

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

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

23 (II) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE
24 SOURCES; AND

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

27 **SECTION 11. Act subject to petition - effective date.** This act

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