

PROP 122, NATURAL MEDICINE FACTS

Colorado voters just passed Prop 122/the Natural Medicine Health Act (NMHA) which decriminalizes the personal use, possession, cultivation sharing as necessary of five Schedule 1 substances: psilocybin, psilocin, mescaline (not derived from peyote), DMT, and Ibogaine.

Totaling the majority of "Yes on Prop 122" votes in these counties: Denver, Boulder, Adams, Arapahoe, Broomfield, Jefferson, La Plata, Garfield, Eagle, Summit, Routt, San Miguel we have roughly estimated **822,271 constituents that voted in favor of Prop 122.**

In Colorado total =

53.6%	YES	1,296,994	✓
46.4%	NO	1,121,111	

98.99% reporting / 6:11 PM

Cited: <https://elections.denverpost.com/results/county-break-down/?Prop-122/7749>

Community Concerns RE: Senator Fenberg Bill # ~~TBD~~ SB23-290 Bill Concerning Natural Medicine

1. This is not reflective of the will of the voters and ^{what} we voted on.
2. The newly introduced 87 page bill (no bill number yet as of 4/18) feels rushed and not properly stakeholder in community groups. There's 2 weeks of session left.
3. With 54% of Colorado voting yes, this deserves time to get it right.
4. Changes the Personal Use Section in Prop 122 12-170-109 completely. The new bill completely removes "sharing" when it was referenced multiple times in the 2022 Blue Book prepared by the Legislative Council.

There would be more key concerns but we had just a 24 hour review of the bill draft and not everyone has seen it because it has not been introduced as on 4/19 this morning. Coloradans deserve better than this. The nation and world are watching.

- Re-criminalizes facilitated medicine supportive services that and prohibits remuneration for facilitated services unless a person is licensed through the regulated access program
- Facilitators - unlicensed individuals performing facilitation are subject to criminal penalties, however facilitation is defined as "the performance and supervision of natural medicine services" and natural medicine services are "a preparation session,

Melanie Rose Rodgers

Personal Use Limitations in the Natural Medicine Health Act (“Prop 122”)

Colorado voters recently passed Proposition 122: The Natural Medicine Health Act (“NMHA”). The NMHA is designed to provide access to the healing powers of natural psychedelics through two main paths. The first path is a regulatory structure for licensed healing centers to allow adults aged twenty-one (21) years and older to use natural medicines under the supervision of a licensed facilitator (“**Regulated Access Program**”). The second path allows adults *limited* access to natural medicines on their own accord or through communal/supported use (“**Personal Use Provisions**”). This document outlines the limitations of the Personal Use Provisions of the NMHA.

Background on the Personal Use Provisions

The Personal Use Provisions permit adults to: (a) possess, store, use, process, transport, purchase, cultivate, obtain, and ingest natural medicine for personal use; and (b) give away natural medicine, without payment and without any connection to a business promotion, to other adults aged 21 and older for personal, communal, or supported use. “Natural medicine” under the Personal Use Provisions of the NMHA includes dimethyltryptamine, ibogaine, mescaline (excluding peyoteⁱ), psilocybin, and psilocyn.ⁱⁱ

An adult may possess or cultivate what is necessary for them to use personally or for communal/supported use.ⁱⁱⁱ No sales are permitted in any form. Outside of psilocybin or psilocyn-containing mushrooms and peyote, most other plants containing natural medicines have been legal to grow in unlimited quantities under federal law and in all 50 states provided, however, that the natural medicines are not harvested for consumption.

The Personal Use Provisions were included in the NMHA to provide adults agency over their mental health and spiritual growth,^{iv} to reduce the harms associated with the personal use of natural medicines, and to remove penalties for indigenous and traditional uses of natural medicines. Historically, natural medicines in Colorado have not been an issue – making up less than 1% of all drug arrests statewide.^v In fact, a number of studies show that natural medicines are related to a *decrease* in crime.^{vi}

Key Limitations on the Personal Use Provisions

I. THE SALE OF NATURAL MEDICINES IS A FELONY UNDER COLORADO LAW

The Personal Use Provisions of the NMHA do not in any way allow for the sale of natural medicines. The Personal Use Provisions specifically state “‘Personal Use’ does not include the sale of natural medicines for remuneration.”^{vii} Any distribution of, or intent to distribute, natural medicines that are currently considered a controlled substances under Colorado state law that do not fall under the protection of the Personal Use Provisions remains a Colorado drug felony.^{viii}

II. PROVIDING NATURAL MEDICINES TO MINORS IS A FELONY

Providing natural medicines to minors, with or without payment, remains illegal under state law because the Personal Use Provisions only remove criminal penalties for personal use by adults aged 21 and older. Providing natural medicines to a minor constitutes a level 1 drug felony.^{ix}

In addition, a minor under the age of 21 cannot rely on the Personal Use Provisions of the NMHA for protection in connection with the use or cultivation of natural medicines.^x Furthermore, any adult legally cultivating natural medicines under the Personal Use Provisions must secure all plants and fungi to prevent access by anyone under the age of 21 to stay in compliance with the law.^{xi}

III. IT IS A FELONY TO GIVE AWAY NATURAL MEDICINES AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY

The Personal Use Provisions prohibit gifting natural medicines as part of a business promotion or other commercial activity and further prohibit paid advertising related to natural medicine.^{xii} Any such advertising is considered evidence of commercial activity prohibited under the Personal Use Provisions. There is a limited exception for payment related to “bona fide harm reduction services, bona fide therapy services, or other bona fide support services,” which is necessary to protect indigenous and communal/supported use scenarios where the participants can exchange money for actual services provided during their healing experience. Sharing of natural medicines in a manner that is not protected under the Personal Use Provisions constitutes distribution of a controlled substance under Colorado state law, which is a drug felony.^{xiii}

IV. IT IS A FELONY TO GROW MUSHROOMS CONTAINING PSILOCYBIN OR PSILOCYN ON COMMERCIAL PROPERTY

Under the Personal Use Provisions of the NMHA, the cultivation of psilocybin and/or psilocyn-containing plants and fungi is permitted only on residential property.^{xiv} Stated another way, it is still illegal to cultivate psychedelic mushrooms on commercial property and those who violate this provision risk committing a level 1 drug felony.^{xv} The Personal Use Provisions narrowly and explicitly protects only the cultivation of such mushrooms that are “kept in or on the grounds of a private home or residence” *and* secured from access by individuals under 21 years of age.^{xvi} Where psychedelic mushrooms are cultivated in any other setting, such as on commercial property, the protections from state criminal or civil penalties provided by the NMHA do not apply.

V. IT IS ILLEGAL TO INGEST NATURAL MEDICINE IN A PUBLIC PLACE OTHER THAN A LOCATION LICENSED UNDER THE REGULATED ACCESS PROGRAM

The NMHA makes it clear that it is illegal to ingest natural medicines in public places.^{xvii} Although the Act does not prohibit being under the influence in a public place, this provision prohibits unlicensed

consumption-related businesses that are open to the public, as well as adults ingesting natural medicines in Colorado open spaces.

VI. IT IS ILLEGAL TO POSSESS NATURAL MEDICINE ON FEDERAL PROPERTY

Because the NMHA changes Colorado state law and not U.S. federal law, the possession of, use of, and other activities involving the natural medicines described under the Personal Use Provisions while on any federal lands is still a federal crime. Federal lands include, for example, national parks and wilderness areas, and public-domain land. Compliance with the Personal Use Provisions of the NMHA on federal lands would not provide any protection from prosecution under federal law.

VII. POSSESSION OF NATURAL MEDICINES IN A SCHOOL, DETENTION FACILITY OR PUBLIC BUILDING IS ILLEGAL

The Personal Use Provisions do not protect the use or possession of natural medicines in any public building, any school, or any detention facility; therefore, such use or possession is considered criminal use or possession.^{xviii}

In addition, and as discussed previously, no individual may ingest any natural medicine in any public place under the Personal Use Provisions, unless it is a place specifically designated for that purpose pursuant to the Regulated Access Program.^{xix} Again, such use is considered criminal use of a controlled substance and subject to criminal penalties.

VIII. CHILD ENDANGERMENT IS ILLEGAL

While the NMHA prohibits the restriction of parenting time with a child due to use of natural medicines in compliance with the Personal Use Provisions, such prohibition does not apply if the parenting time would endanger the child's physical health or significantly impair the child's emotional development.^{xx}

IX. MALPRACTICE IS PROHIBITED

Although the NMHA protects holders of state-issued professional licenses from disciplinary action related to their use of natural medicines, the NMHA does not protect a person engaging in malpractice in connection with the Personal Use Provisions.^{xxi}

X. THERE ARE NO EMPLOYEE PROTECTIONS FOR NATURAL MEDICINE USE IN THE WORKPLACE

The Personal Use Provisions do not require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, or growing of natural medicines in the workplace.^{xxii} An employer is free to fire an employee engaging in such conduct in the workplace, and if the workplace

constitutes federal land, a public building, a school, or a detention facility, the employee would be subject to the other criminal penalties as well.

XI. THERE IS NO PROTECTION FOR CONDUCT THAT ENDANGERS OR HARMS OTHERS, INCLUDING DRIVING UNDER THE INFLUENCE

Conduct that endangers or harms others is not protected under the Personal Use Provisions.^{xxiii} Therefore, any use, possession, or distribution of natural medicines that endangers or harms other individuals is subject to the applicable criminal penalties for such use, possession, or distribution in the absence of the NMHA. The Personal Use Provisions do not protect operation of a motor vehicle, boat, vessel, aircraft, or other such device under the influence of natural medicines.^{xxiv} Because the Personal Use Provisions provide no protection for this behavior, an individual operating such a vehicle or device impaired to the slightest degree by natural medicines risks committing either a misdemeanor or felony, dependent on their driving history, under the applicable Colorado criminal law.^{xxv} In addition, such individuals are subject not only to the criminal penalties associated with driving under the influence, but also to criminal penalties for use of a controlled substance under Colorado state law, and any driver's license civil restraints.^{xxvi}

XII. NATURAL MEDICINES REMAIN ILLEGAL UNDER FEDERAL LAW

Although the NMHA allows natural medicines in compliance with the Personal Use Provisions under Colorado state law, NMHA's natural medicines remain illegal under United States federal law. The United States Controlled Substances Act ("CSA") regulates the manufacture, possession, use, importation, and distribution of certain drugs, substances, and precursor chemicals. Pursuant to the CSA, controlled substances are classified into one of five schedules based on their respective psychological and physical harms, potential for abuse, and any redeeming therapeutic value.^{xxvii} Schedule I is the most restrictive. Each of the substances that constitute natural medicines under the Personal Use Provisions are classified as Schedule I controlled substances under federal law, meaning that they are considered to have "a high potential for abuse [...] no currently accepted medical use in treatment in the United States[, and] ... lack of accepted safety for use of the drug or other substance under medical supervision."^{xxviii} Unless explicitly authorized by the CSA, the importation, possession, use, production, manufacture, sale, or distribution of controlled substances is illegal under U.S. federal law, and subject to the CSA's criminal penalties.

Summary

This document has summarized some important limitations of the Personal Use Provisions of the NMHA. While the Personal Use Provisions of the NMHA do provide a number of protections related to natural medicines, the provisions are carefully constructed, limited in their application, and a number of activities in connection with natural medicines will not fall under the purview of the Personal Use Provisions.

My name is Karen H. Knight, M.D.

I am a Board Certified Physical Medicine and Rehabilitation physician, specializing in chronic pain and neuroplastic rehabilitation. I have been in practice for over 23 years. I have advanced training in psychedelic medicines including ketamine training, MAPS training in MDMA, and the Naropa certificate in Psychedelic Therapy. I have additional trainings in trauma and somatic approaches to healing. My experience has included significant exposure to both under-represented and marginalized community concerns as well as indigenous healing approaches. Finally, I am a spouse of a combat veteran and a former proud VA physician, having spent 7 years of my career as a VA doctor treating our veterans.

Concerns and Recommendations Related to SB23-290 – Natural Medicine Regulation and Legalization

- I am concerned with the current Definition of Natural Medicine as proposed in this piece of legislation, as it is overly restrictive.

In healthcare we use extractions which may include chemical synthesis, chemical modification or chemical conversion as is evidence based. The medical usage of psychedelics is rapidly being explored through medical research. This legislation should not overly restrict the appropriate medical utilization of plant-medicine derivatives.

As such the definition should far less restrictive and any further restrictions should be made under “rule” and not written into statute. This will give the Industry the ability to change and grow as new medical evidence is developed while still allowing the State effective regulatory ability.

- What public interest does “firewalling” testing facilities serve? This seems both counter-productive and overly burdensome to both industry and the regulatory authorities.
- Breaking up the licenses would not only harm the growth of this industry and its ability to provide natural medicines to the public, but would also create unnecessary administrative (and financial) burdens to both business and the Colorado Department of Revenue, an agency that is already under-resourced.

The ability for one business to conduct all the activities, as a hub, with one license and proper regulatory oversight would be more beneficial to both the viability and growth of this new industry, and to the Colorado government agencies that must manage the licensure and regulatory compliance related to this issue (i.e. this reduces the fiscal note on the legislation, making it more affordable to Colorado Government).

- The license fees, as proposed, make it financially non-viable for most small business to operate. This would limit the growth of local small business, favoring large businesses that are likely to come in from out-of-state.
- The employee license fee (and the process that will need to be tied to it) is particularly troubling as it would add a financial and administrative burden tied to employee turnover. Employee licenses

should be limited to Facilitators that have proper qualifications under Colorado law, and should be covered by a single facility license, not individual licenses.

- I would propose the option of a “Healing Hub” license that would be one license, with one application and one fee, that would cover the following:
 1. Facilitators – the license would cover any facilitator that had proper qualifications and that was employed by or was an owner of the “Healing Hub”.

Non-facilitators would not need any sort of “employee” license but would need to pass criminal background check.
 2. Grow License – The ability for the “Healing Hub” to grow their own natural medicine for use on-sight, and for use in Natural Medicine products they produce.
 3. Production – The ability for the “Healing Hub” to produce Natural Medicine products in compliance with Colorado Law.
 4. Testing – The “Healing Hub” would be allowed to test their own products to insure they are safe and comply with Colorado Law.

I would also propose that a lot of the “detail” be left to rule making and not put into statute as that will make it far more difficult moving forward to amend things so that the industry has the ability to grow and the State of Colorado has the ability to effectively regulate the industry while supporting its growth.

Thank you to the hard work put into this ensuring the citizens of Colorado have access to this emerging yet powerful transformative medicine. I am willing to meet with this legislation’s drafters and members of committee to discuss this further. Please let me know how I can help.

Very Respectfully,

Karen H. Knight, M.D.

Thank you for your Mr. Chair and Committee. My name is Teresa Schwinghamer, an Air Force veteran from Colorado Springs. I was against mind-altering substances for most of my life. As the daughter of a Filipino Immigrant, it was ingrained in me that drugs were bad and to be avoided, and if something altered your mind, it was a drug. While serving in the military as a medical lab tech, I was at times responsible for military drug testing, which further cemented my views at the time.

However, when I separated from the military in 2013, I began experiencing symptoms of depression, which later would ultimately lead me down a path of discovering my own viewpoints and opinions about certain drugs, particularly plant medicine. My mental health deteriorated for a year, and by 2014 I was at my lowest point and was considering ending my life. My world was changed when I tried plant medicines and other psychedelics.

It is because of these perspective-shifting substances that I am able to stand here today and share my story.. I fully believe had it not been for them, I would not be alive. These medicines have allowed me to not just look at, but also process and accept, so many aspects of my life and who I am as a person. What's more, these medicines have allowed me to do that in a way that traditional medicine and therapy couldn't. That's not at all to say that these should replace our current psychological treatments, but certainly a case can be made that plant medicine can and should be a part of the picture.

I would also like to state that, as much as I believe plant medicine should be accepted and celebrated, I also believe it should be honored and respected. Honored in the sense that many of these medicines hold sacred spots within the different indigenous peoples of Colorado, and respected in the sense that for many people, this really is their best chance at healing, and they deserve a fair and equitable opportunity to access it.

With that being said, I hope it is clear that I am all for a proper bill being passed that will allow the community the freedom to heal and express their spirituality in their own culture terms. Sadly, the bill before you, as it currently reads, falls short of this goal.

With my limited time, I would like to address one issue within the bill that most affects me personally, specifically, the barring of people with felonies from obtaining licensing or running a practice. I am currently going back to school to obtain the degree and training needed to one day be able to help my community by offering plant medicine based therapy. As someone who has been charged with a Felony, the idea that my dream may be out of reach because of this bill is heartbreaking.

My felony is the result of a year I spent running a Cannabis Church with my husband. He and I thought our establishment was legally operated, and we did our best to provide the community with a safe spot to procure and use cannabis. The man who invested with us to start the Cannabis Church was also involved with several other businesses, but was apparently also starting to sell large quantities of cocaine and other drugs, something we weren't aware of at the time.

Our investors' activities resulted in his house and businesses, including ours, being raided by the police. My husband and I were arrested eventually, as was the investor. We cooperated as fully as possible. After many years, the end result was this: The investor trafficking cocaine was able to extend his court dates perpetually, and ultimately all charges were dropped. My husband, a Caucasian, and the registered owner, was told his felony would be dropped after completing two years of probation. I, the woman of color that worked there, was told my charges would not be dropped, I would have three years of probation, and a bigger fine.

I tell this to you not for sympathy, but to impress upon you an important point. Many people who have felonies have them because of America's failed "war on drugs". As my story highlights, the people most likely to receive these felonies are not the hardened criminal masterminds you seek to keep out of this new industry. Rather, it is the disenfranchised and those unable to advocate for themselves that routinely fall victim to a system that all too readily victimizes them because they are easier targets. My investor had enough money to avoid any consequences at all, while I was forced to accept what was handed to me.

For most of my life, drug policy in America has been a national embarrassment, seemingly guided by feelings rather than science and facts. I'm so happy that the politicians here today, and many others across America, are starting to look at our drug policies and change them for the better. But in doing so, I would implore you to consider the fact that preventing people from participating in a newer, better system because they were victimized by the older, worse system makes very little sense. And while it is true that not every felon is a victim, I hope we can recognize that a substantial amount are. They are victims of systemic corruption and racial injustice brought about by the very drug policy we seek to in part change today, and they deserve a chance to be a part of this new path forward.

I invite everyone to look at things with a fresh perspective, not through the lens of their preconceived beliefs. Please listen to people's stories, consider our concerns, and educate yourselves. If this community is to have a better version of this bill, I truly believe this community

has to become engaged and advocate for itself, and I'm grateful to be part of that process today.
Thank you so much!

Greetings Senators and Representatives,

My name is Gabriela Galindo. I'll begin by reminding all that Colorado and the U.S. was founded on extreme violence and the involuntary servitude of Native, Black and African people, dishonored treaties and theft of lands, and attempted genocide upon Native peoples. It's important to discuss the ways that Prop 122, now SB290 continues patterns of systemic harm and exclusion of Native peoples, with implications that extend globally. The proposition was steamrolled by big money, intent on corporatizing, exploiting and capitalizing off the traditional medicines, cultures and ceremonies of Indigenous people from the U.S., Mexico, South America, and Africa. With the exception of Psilocybin, none of the compounds /medicines in the bill grow locally and could soon be endangered as non-Indigenous people and people with no connection to these medicines and traditions consume without regard to the wellbeing of Native communities and the medicines.

Proponents of SB290 did not consult with the very Indigenous communities who have been taking care and consuming these plants since time immemorial. I ask that that protections for Native peoples and medicines be prioritized, especially for conservation efforts. The Indigenous Working Group and their leadership must be centered and must lead all efforts in this bill. We must lead in these efforts because they are the medicines of our communities and not the other way around. We have been in right relationship with these medicines for tens of thousands of years before people of non-Indigenous lineage decided that they could profit and exploit our cultures and medicines. These healing centers could simply not exist without the medicines themselves, owed to the careful conservation and stewardship of Indigenous people. We know how to be in right relationship with these medicines and we know what our communities need, including changing the age limit. These ceremonies are for our families, and the Western system should not dictate how we work with our own medicines.

As a person who works with the City of Boulder and CU Boulder in leading equitable climate and social justice initiatives, I foresee the dangers that will come upon the plant populations mentioned in this bill from their commodification and exploitation. Water, land, and soil became privatized by Western capitalistic and colonial systems and entire ecosystems have now been devastated and led us collectively to a climate crisis. Western systems decimate every natural resource and pollute ecosystems regardless of the consequences. In only 164 years since European forces overtook Colorado and Western states, the Colorado River has become endangered. This would not be the case, had Indigenous people not been ignored in water and land stewardship in their own homelands.

As equity and accessibility are now important values for many governments and legislation pieces, I caution that this bill is unique in that the needs of Indigenous people are not the same as other People of Color or marginalized communities. Our needs as Native people in this bill must be prioritized. While I recognize the value on the regulated side for equitable access to licensure, equitable access to medicines is a completely different issue. These medicines are not for everyone and should not be a fair game for all. Our ancestors have lost their lives protecting these medicines since European forces attempted to extinguish us and our medicines. Please support us in amplifying our

efforts to protect our medicines and cultures. We know and acknowledge that no plant should be criminalized and that we do not own these plants, but rather that in the wrong hands and sold for profit, our very ways of life and medicines would be threatened. Let's prevent another unnecessary harm on Native peoples and traditions. Ultimately, these protections will benefit not just Native people and medicines, but us all.

Thank you for your time and consideration.

In Gratitude,

Gabriela Galindo

Written comments for Senate Bill. 290
by: Dana Tsyconyea StarByrd

Plant Medicine & Psychedelics have been a huge part of my healing. I appreciate the Indigenous protections that have been added to this bill. My concern is around our Elders being able to receive reciprocity around their offerings. We have Elders that travel in from other countries and there are expenses involved in this. Our Elders deserve to make a living providing our spiritual ceremonies. The way I see the Bill is that it would criminalize any exchange of reciprocity, and this is not right. This needs to change and Clarifying language is needed that expressly states that our Elders can receive remuneration. Peyote ceremonies generally are not charged, but Ayawauska and Wachuma ceremonies, there is an exchange. Native children are brought up in the tradition and are included in ceremonies. You teach and educate on the sacredness of these medicines. It is integrated into society, not forbidden fruits.

I am concerned with an age limit of 21. Our sons and daughters can go to war at 18 and experience great traumas and yet you say they must wait until 21 in order to heal? Or what about all the sex trafficked teenagers? Again, they suffer great trauma and you say they must wait until 21 in order to heal. There needs to be some type of waiver or referral given for treatment for these individuals.

Clarifying rules (is this just for Psilocybin) on the 12 x 12 locked grow room need to be added. Traditional plants need the sun and soil to grow. Again, if we teach this as part of the culture and the honoring of our plant medicines, children learn the sacredness. These medicines are sometimes used in Rites-of-passage initiating teenagers into another chapter of their lives to guide and give them direction and understanding of self, community, & nature.

I am concerned around the fines for not being Licensed. Are our Elders expected to go through a colonized system to get "permission" to perform Spiritual Ceremonies? Can an amendment be added for Religious Exception?

I ask that you please consider these things in an amendment. Thank-you

Senate committee members, thank you so much for your time and dedication toward implementing this historical piece of legislation on behalf of Colorado's voters. My name is Brandon Burns and I am the CEO of Peaks Recovery Centers, a Substance Use Disorder and Mental Health treatment facility here in Colorado Springs. The legislation as it currently stands creates an incredible, innovative tool for the behavioral healthcare industry that, as an industry, has lacked innovation for quite some time now and is running thin on its capacity to, for example, shift the direction of the overdose epidemic we face in Colorado today; not to mention the ongoing tole of distress perpetuated by society, social media, and day-to-day hardships that continues to weigh heavily on Colorado's family systems, our military members and veterans, and culturally across America.

We take great responsibility in the future delivery of these medicines and see this opportunity as a profound innovative tool that can, among many other things, support individuals better navigate their personal hardships, their trauma, their despair, etc., in a more timely manner than the historical delivery of other mono-therapeutic approaches such as CBT in the treatment of depression, for example. Thus, we are absolutely grateful as a treatment center to be able to adopt this plant based medicine interventions to the benefit of the many folks suffering all around us and again appreciate your forward thinking about this measure.

In the traditional sense of western medicine there is much to look forward to. However, the bill seems to have slightly shifted in the past 48 hours or so away from our community's ability to nurture and treat the individual which unfortunately takes aim at the heart of this bill. When managed care started paying for behavioral healthcare services in the early 70s there was a common debate about whether or not the "para-professional" or the non-credentialed clinical personnel was better suited to treat addiction, through their lived and shared experiences of addiction, or whether or not the certified, master level/ Ph.D candidate would best serve the person. Between treatment programs like Peaks Recovery Centers and the community-based rooms of Alcoholics Anonymous, that debate lives on to this day.

Treatment works, I see it every day within my scope of work. The rooms of AA also work. One approach is not more correct, but to be clear, both treatment centers and community-based centers such as AA work in the *treating of addiction and associated behaviors*. The para-professional in this regard, to be consistent with old language, does have a profound impact on not only supporting individuals with addiction, but can also go as far as moving the addicted person's biomedical condition of craving into remission. So much about wellness is community and connection.

The point here is that if we prohibit, for example, the remuneration of ceremonies and leave out the ability to compensate community based support services we move further away from the heart of this bill that the voters of Colorado have decided upon in the rejection of prohibition and the war on drugs. I don't know if these added amendments are out of fear for the communal based bad actors that may follow if the original bill's language sustains, but there are bad actors in government, medicine, behavioral healthcare, and in almost every aspect of life. Thus, if we can move our fears to the side for a moment, I believe it's imperative to allow our communities

and it's individuals to showcase their knowledge, their ability, and responsibility toward these ceremonial approaches in the way that they have known how to do with these medicines in the way that the rooms of AA have showcased its communal ability to promote wellness without the evidenced based approaches western medicine is so adapted to.

My hope is that we can move the bill back to its original framework, allow the data of use, potential abuse, and bad actors to build up, and THEN, amend the bill from there. Afterall, this is one of the reasons prohibitive efforts failed so miserably over the past 70 years because we put our fears before the data. The Colorado voter is asking for data before fear and I remain hopeful that this committee will reconsider the bill's updated language, revert back to the bill's original intent across the board, and remain open to changing the bill in the future as the data becomes available to us. Thanks again for your time, your historical work on this bill, and for hearing me today.

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Senate Finance
 04/20/2023 Upon Adjournment
 SB23-290 Natural Medicine Regulation And Legalization
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Sarit Hashkes Against Red Light Holland	<p>I'm a psychedelic researcher and CTIO of a company called red light holland that sell natural psilocybin legally in the Netherlands.</p> <p>This bill increases complexity of the license structure and reduces accessibility to the healing possibilities of psilocybin. From a financial view it will make it harder for small businesses to enter the market and more expensive for the government to regulate. It will also be impossible for local community guides including indigenous traditional healers to participate in this new economy.</p> <p>This bill goes against the democratic process of a ballot measure and should I hope it does not pass the committee.</p>
Kaelie Barcus Against themself	<p>To whom it may concern,</p> <p>I hope this finds you well. There are many reasons why I chose to write you but I'll keep it short. As a citizen lobbyist and fellow human, I am concerned about SB23-290. It does not honor the will of the vote (on Prop 122) or the plants and fungi themselves.</p> <p>These are not just chemicals/substances. They are medicines that are sacred and rooted in deep traditions of spirituality and should be taken into consideration as such. This proposed bill feeds into the War on Drugs and puts our people, as a collective, in danger.</p> <p>Why are we in this position where we have to ask for pure nature ~ plants and mushrooms ~ to be decriminalized and not re-criminalized? We ARE nature. Why are we banning ourselves from connection with one another when that is what heals us as a whole? I ask that you respectfully decline and say NO to SB23-290.</p> <p>We need solutions that support responsible community-based medicine stewardship and protect the most vulnerable. We already have solutions in the lineage of people who have generations of deep lived experience with these medicines.</p> <p>We need policy that does NOT support even more policing, but DOES support education, harm reduction, medicine support services, and cognitive and bodily sovereignty. Thank you for your energy.</p> <p>Be well, Kaelie Barcus</p>
Bridget Seritt Amend	Honorable Senators,

Advocates for Compassionate Therapy Now	<p>My organization, Advocates for Compassionate Therapy Now, is a large patient group based in Colorado Springs. We are taking amend position.</p> <p>We would like to see robust patient representation on the Board that has already met. Patients are often left out of these processes and we feel this Board needs better representation from the patient sector.</p> <p>We'd like to see the section that gives dosing cap authority to the entity created rather than the facilitator or a medical professional.</p> <p>We don't agree that excess funds should go to the general fund but would prefer they be dedicated to mental health services.</p> <p>Lastly we'd like to see the clause that makes taking a psilocybin infused gummy in public a criminal offense taken out completely or be amended to prohibiting public use of smokable forms instead.</p> <p>Thank you for your time, Bridget Seritt, Founder ACTnow</p>
Tyler Stableford Against themselves	<p>Hello Colorado legislators,</p> <p>I hope you are doing well, and thank you for your service to our state.</p> <p>I wanted to share my concerns on the proposed bill regarding natural plant medicines, as I believe this proposed bill misses the mark in the area where it removes the protections that permitted providers of "bona fide harm reduction services, bona fide therapy services or other bona fide support services" to receive payment for their time and services.</p> <p>I believe that having paid professionals who can work under the Colorado DORA is helpful for ensuring that both clients and professionals working with this medicine can safely report misbehaviors etc. Compensation ensures that professionals will do this deeply healing therapeutic work and will be accountable.</p> <p>Thank you,</p> <p>Tyler Stableford</p>
Dana Lerman Amend themselves	<p>I'm a mother, a wife to a cancer surgeon and I'm also a physician - board certified in internal medicine and infectious disease. I served my community as a physician in the COVID-19 pandemic, where I worked here in Denver and in California at hospitals outfitted with morgue trucks. I cared for my colleagues on ventilators and watched countless young people die as I struggled to support them.</p> <p>Midway through the pandemic, I found myself at an Ayahuasca retreat because I was breaking. I could no longer function. My experience with</p>

	<p>plant medicine has since transformed my life as a mother, wife and healer. I left the field of infectious disease and devoted my life to providing psychedelic medicine.</p> <p>I voted yes on Prop 122 because I believe that we've lost connection - connection to ourselves, one another and to our Earth. 122 was the first step at a mass attempt to foster this reconnection and allow Coloradans access to true healing on a large scale.</p> <p>122 allowed for providers, like myself, to receive compensation for facilitating medicine sessions. During these sessions facilitators put forth a tremendous amount of energy and time when holding space for our clients. Many facilitators in this space, myself included, are highly trained to do this work. To suggest that we not be compensated for our services is disappointing to say the least.</p> <p>Your proposed adjustment to the measure is funneling everyone looking for "legitimate" healing into licensed healing facilities and not allowing for other options where facilitators can be compensated. Yet, the measure also caps the number of licensed healing centers in the state. So in turn, you are suggesting a cap on healing for Coloradans. What this adjustment to the measure will also do if passed is force the providers back into the underground. The underground is a place lacking harm reduction and support. People will get hurt. Furthermore, when you only allow people to receive healing in "licensed healing centers" you are limiting access to people who may not be able to afford these healing centers anticipated hefty prices.</p> <p>Please reconsider these proposed changes to Prop 122 and allow healers like myself to be compensated for the work we do, while allowing the people of our state to seek healing where they choose. I also wanted to offer my services to anyone on this committee -free of charge- so that you can come and sit in my ceremony space and learn more about what it is exactly that you're fighting against.</p>
<p>Pamela Peters Against themselves</p>	<p>Thank you Mr. Chair Mullica and Members of the committee for the opportunity to share testimony.</p> <p>I am Pamela Peters, a Denver resident. I was born and raised in Colorado. I believe strongly that people should not be criminalized for their personal use of natural medicines.</p> <p>I believe that SB 290 reverses the will of the people that was voted on with the passing of Prop 122, the Natural Medicine Act in November 2022. While I agree Prop 122 needs some modification, this bill is too sudden and without important voices to do this in a thoughtful and intentional way.</p>

	<p>Personally I have been in relationship with psilocybin mushrooms for most of my life. I first took them with my father, sister and brother when I was 23 years old. They have been a constant and profound healing presence in my life, bringing me so many healing moments of connection with people I love.</p> <p>I am a mental health professional (DORA License MFTC:0014350) I do not use natural medicines in session with my clients. However, I do see clients for intention setting, harm reduction and integration services surrounding their personal use of these medicines. For these services I am compensated. I earn a living wage for my knowledge and experience, much as ceremonial space holders do in most spiritual practices. From what I understand with the passing of SB290, I and other therapists will not be able to do integration work for remuneration any longer.</p> <p>I understand the power of these medicines. I understand the important need for people using them to have responsible and ethical support when undergoing these experiences.</p> <p>If bona fide support services are not given remuneration, I worry that space holders will not be able to make a living wage and will turn away from this important job. This will only create more un- or poorly supported experiences.</p> <p>Therapists and ceremonial space holders need to make a living wage. Re-criminalizing support services for remuneration will most negatively impact communities of color and other marginalized people. It is imperative that the original language in Prop 122 which allowed for remuneration for bona fide support services be kept within SB290.</p> <p>Thank you.</p>
Jonathan Treem Amend themselves	<p>Dear Colorado Senate Committee Members,</p> <p>Thank you for the opportunity to submit testimony. I am a physician at the University of Colorado and I write as a physician and private citizen, not a representative of my employer. I am a palliative care physician which means I have a specialty caring for terminally ill individuals. I have read with enthusiasm, but also concern, Proposition 122 and this amended article. Among vulnerable populations in Colorado, there is little in the article that protects the medically vulnerable among us.</p> <p>I'll illustrate with example – I had a patient in my clinic last week who is deteriorating from end-stage ovarian cancer, has a small bowel obstruction with a tube that drains her stomach, gets IV nutrition</p>

	<p>continuously by a line in her arm, requires consistent use of per-rectum anti-nausea medications to control vomiting, IV fluids, intermittent opiates for unrelenting pain associated with her disease, and inquired about the use of psychedelic therapies for end of life distress. While 99% of Coloradans may benefit from minimally directed, supportive presence in the pursuit of natural medicines, there is a small population of terribly ill Coloradans that will want to pursue psychedelic therapies. The absence of professionals who have specific training, including medical and psychiatric intervention and medicine administration, in the context of a psychedelic experience will cause harm. I can almost promise it. And there is minimal language other than a vague expectation of tiering patient complexity to facilitator expertise that will protect the individuals I see in my clinic.</p> <p>I encourage amendment and revision to the existing article that specifically empowers the medical and end-of-life care community and that honors and respects the medical needs of dying Coloradans including provisions for medical presence and oversight. The proposition, as it is currently written, will disallow the participation of the medical community in the practice of psychedelic medication and the protection of medically complex Coloradans pursuing psychedelic therapy. End-of-life specialists will require protection and remuneration for their services in home-bound individuals and I don't see a pathway within this law to allow that.</p> <p>Thank you for your time and attention.</p> <p>Jon Treem, MD</p>
<p>Crystal Beattie Against InfuseMe Consulting LLC</p>	<p>Thank you Mr. Chairman and Committee,</p> <p>I am representing Myself, My company InfuseMe Consulting LLC as well as my fellow Veterans. I am against SB23-290 because the bill is flawed and lacking. First you need to make sure there is a Patient Stakeholder on The Board because we in the Cannabis Patient Community were left out of the discussion on 1317 and now we are having to fight to get our access back before our medical program is completely destroyed. Further more the Government should not be involved in dosing. That should be between the Patient and the Provider. Our bodies and situations are changing everyday just the same as our medicinal needs.. we are all different and need to be dosed at our own individual medical capacities. Public dosing should be regulated the same as pharmaceuticals.. if a micro dose psilocybin gummy produces the same effect as a Xanax then it should be allowed. However I strongly agree with the others whom have testified today in support of amending for much more Education on the topic as a whole.. whereas I absolutely see the benefits of psilocybin for so many.. especially my Veteran Brothers and Sisters, I believe</p>

	<p>Education and Protecting the Youth are extremely important and should absolutely be top of the list. Thank you for your time!! HAPPY 420 🍀🍀🍀❤️</p>
<p>Gabriel Ettenson Amend themselves</p>	<p>I am a licensed Physical Therapist and graduate of the CIIS program in Psychedelic Assisted Therapy and Research. I am writing to express my opposition for the proposed changes to prop 122 which disallow a compensation for bona fide services under the personal use component of Prop 122. While I can understand the pros and cons of this element of Prop 122, it is highly problematic to disincentivize individuals who are capable and willing to provide safety and proper guidance for the many people desperate to overcome life challenges with newly decriminalized substances. This is not a recreational medicine, but rather a powerful medicine with the ability to bring forth incredible benefits. Without the proper support for its use however, it can have the opposite effect. Please consider a more reasonable approach to this section of prop 122 given the incredible time, energy and effort required to do this work well.</p>
<p>James Agati Jr Against themselves</p>	<p>Mr Chair Kyle Mullica & Vice Chair Chris Kolker, members of the committee, thank you for the opportunity to present to you today. My name is James Agati Jr, representing Lakewood (80214), and I am here to oppose this bill because:</p> <p>SB23-290 goes against the democratic process by ignoring the voice of the people who voted for Proposition 122, which legalized natural medicine for personal use and community healing.</p> <p>SB23-290 violates the principle of popular sovereignty, which holds that the people are the ultimate source of political power and authority in a democracy. By recriminalizing natural medicine that the people legalized, this bill usurps the power of the people.</p> <p>SB23-290 harms the mental health and well-being of Coloradans who could benefit from natural psychedelic medicine, such as psilocybin, dimethyltryptamine, ibogaine, and mescaline (excluding peyote), which have been proven to help with depression, anxiety, addiction, and PTSD.</p> <p>If you've not already, I hope that each of you have the opportunity soon to sit in community with psychedelic medicine under the supervision of a clinical professional and/or lineage holder. You deserve to have that beautiful experience!</p> <p>These medicines & modalities are truly one of the best shots that we have at healing on an individual, community, and societal level.</p> <p>I offer to answer any questions you may have. Thank you for your time and energy. Thank you for your work here!</p>

<p>Kenneth Stahl Against themselves</p>	<p>I do not support Senator Fenberg’s bill. This is government overreach and ignores the will of the voters of the Natural Medicine Health Act. Because of the inappropriate speed at which this bill is being introduced, it places a burden on the supporters of Prop 122 (original) to read, analyze and digest. This feels disingenuous and clearly demonstrates that Senator Fenberg is an opponent of 122 and the will of the voters. He is not allowing for due diligence.</p> <p>I support decimalization of all the medicines listed in Prop 122 so as to maximize accessibility for all income levels. These medicines have demonstrated massive improvements to mental health with conclusive outcomes based on scientific and traditional data. I support keeping these naturally occurring medicines accessible to all peoples so that they minimize the impact on the costs of improving their mental health. No further regulation should be required of cultivators, facilitators or participants.</p> <p>Do not pass Senator Fenberg’s bill, respectfully.</p>
<p>Matthew Brockmeier Against themselves</p>	<p>Democratically elected public servants work for the citizens of Colorado. Their job is to execute the will of voters, who spoke loud and clear in November when they historically approved the Natural Medicine Health Act. It is one thing to enact clarifying legislation, but it is another thing entirely to water down or substantially modify a ballot initiative just signed into law.</p> <p>This bill would decidedly favor the medicalization/ corporatization of plant medicine at the expense of the personal use provisions recently enshrined into law. For example, it would allow businesses in the regulated model to deduct business expenses - but severely limits the personal use provisions, makes public consumption of petty offense punishable by a fine, and criminalizes remuneration for ceremonies - which was specifically protected in the text of the initiative approved by voters. There is no reason for this bill, it is based in fear. We have presidents, Denver decriminalized psilocybin mushrooms years ago and there have been no adverse consequences or negative ramifications. These medicines are safe, and we have voluminous data demonstrating their effectiveness to treat a host of mental illnesses and conditions. The people want access, they voted via a constitutional process to change the law, and it is anti-democratic to materially modify the NMHA.</p>
<p>Kevin Franciotti Against themselves</p>	<p>I am a beneficiary of healing from one of the natural medicines liberated from the unscientific and draconian shackles of the failed war on drugs. Ibogaine, which was decriminalized by the will of Colorado voters through the passage Proposition 122, successfully ended my addiction to heroin and fentanyl in 2011. In order to receive this treatment, I had to fly out of the country so that I would be able to have sufficient medical care and supervision at a clinic. Despite the lack of regulations overseeing this clinic’s treatment protocols, I received substantial medical preparation</p>

	<p>and examination, round the clock monitoring throughout my detox treatment, and an impeccable quality of service and hospitality.</p> <p>I am concerned with some of the departures contained in SB 23-290 from the spirit of Proposition 122. I am sympathetic to the task of the state judiciary attempting to honor the will of Colorado voters while also pragmatically applying Natural Medicine Regulation and Legalization. It is the recriminalization aspects and the risk of overregulation that are foremost among my concerns. Although I'm encouraged by SB 23-290's potential to expedite ibogaine's regulations, the current reality of personal use protections can remain intact without a risk to public safety. However, certain aspects of SB 23-290 present challenges to this success. Specifically, the removal of remuneration under the personal use provisions of the Natural Medicine Health Act would make it extremely difficult for community healing models that do receive legal protections to utilize ibogaine in the safest possible manner. Additionally, SB 23-290 removed language protecting use by people on probation and parole. It has been both my personal and professional experience, individuals with substance use disorders are often involved in the criminal justice system. This involvement consistently and reliably functions as a barrier to legitimate care and even community support. It is my understanding that Colorado's regulatory experience with cannabis provided an outline to work off in drafting SB 23-290. Natural medicines, including ibogaine, are not like cannabis. We need to be more flexible even than we've been with cannabis, since the absence of a commercial market provides greater opportunity for this flexibility. I would be honored to follow up with any questions or an opportunity to meet with committee members privately to further elaborate on my perspective.</p>
<p>Elisa Safran Amend themselves</p>	<p>President Fenberg,</p> <p>I hear you are trying to criminalize innocent people for having house plants. The San Pedro cactus is a beautiful, resilient, low maintenance plant. It thrives in the Colorado environment and loves to be outside in the dry sun during the summer. I am absolutely astounded that you would create a new piece of legislation to criminalize our local garden stores for selling this and incriminate people for having them. Most people do not even know that this cactus contains extremely low amounts of mescaline! If you knew the first thing about this medicine, you'd also know that it takes an exceptionally large amount of the plant to even brew a very small batch. It is unbelievable that the state of Colorado would be the first state ever to do something so ridiculous.</p> <p>In addition, I see you are re-felonizing ceremonial use of plant medicines. This is NOT what the people of Colorado voted for when they supported prop 122. I am appalled that you guys would go against what us voters decided on. Please do not do this! Please do not make us doubt our voices and be disappointed in our state senate and judicial system. You are making huge mistake.</p>
<p>Ana Cornelius Amend themselves</p>	<p>Buenos días Senators and Committee members.</p> <p>My name is Ana Cornelius and I live in the Capitol Hill neighborhood here in Denver, walking distance from this building. I am a mother and a</p>

	<p>grandmother. I have worked in community healing in many capacities my entire life. I was one of the community members who developed the STAR program and I am currently one of the chairs on the STAR Advisory Committee. I have been using psilocybin for over 30 years. In that time I have guided individuals and groups using this medicine.</p> <p>How many of you have experience using these medicines?</p> <p>The reason why the STAR program has been so successful is because it was born in community, it is steered by community, and held accountable by community. It's a bottom up approach. It is an example of what can happen when community and government come together. It is of utmost importance that those in our community with the most experience- especially lineages, indigenous practitioners and healers to be protected from criminalization with this bill.</p> <p>When CO voters passed prop 122 what voters wanted was free access to these medicines. Creating personal limits and a heavy regulatory system that limits community access is not the will of the people and it is not what we voted for in Prop 122. I ask that you strike any provision is SB23-290 that recriminalizes ceremonial use and facilitated medicine support, strike any provision that prohibits remuneration for facilitated services of any kind, and strike any provision that criminalizes the display of natural medicines.</p> <p>My name is Ana Cornelius. I am a mother and a grandmother. I have worked in community healing my entire life. I am not a criminal. Thank you for your time.</p>
<p>Lisa Tran Amend themselves</p>	<p>Greetings to the Senate Finance Committee: My name is Lisa Tran. I am your first gen, Asian American Descent born and raised Coloradan. My friends call me the Asian hippie dippie, tree hugger (which I can confirm, it's true); I love Mother Nature and scream for joy everytime it snows or rains in this beautiful state I get to call home. I am currently the constituent of Senator Janet Buckner, and House Representative Nequetta Ricks. Growing up as a colored female however, has not been easy. I have been suicidal since the age of 11, have recently been diagnosed with major depressive disorder at the age of 31, and I am currently working with a behavioral therapist once a week. My therapist wanted to place me on pharmaceutical anti-depressants, but studies have shown an increase of suicidal rates using them, so I declined and went on the path of psychedelic use instead. Psilocybin is what kept me going, especially after these last several years dealing with Covid-19 and the rise in Asian hate crimes. My personal story is not to put a damper to your day, but to simply shed light that psychedelic use, is in my opinion, a very personal journey. To be forced to only use these medicines within a "therapeutic center" is a very uncomfortable idea and situation to be going into. I would much rather go on my psychedelic healing journey with a trusted one over an assigned "therapist." Even with my therapist now, as great of a relationship she and I have, having her "trip-sit" me does not sound like</p>

	<p>a pleasant, healing method on either side. And as I'm sure, many of you have fears and doubts on how all of this will turn out. After all, these are long standing, Indigenous plants used for sacred ceremonies ritually, not recreationally. Having an Indigenous advisory board on Prop 122 is not doing enough. Amending the bill to be decriminalized at a state wide level would be a great start. It will bring much relief to not only the Indigenous tribes, but also to BIPOC folks, and law enforcement agencies. I urge you to please, slow down with this bill of legalizing psychedelic use. Let's learn from what has happened since decriminalizing psychedelics within Denver county in 2019, and steer away from the modelings of cannabis legalization, because comparing cannabis use, to psychedelic use, does not have the same effects on the brain. Thank you for your time, Happy 4/20, and our now 24th year anniversary of Columbine. Lisa Tran</p>
<p>Martha Hartney Amend themselves</p>	<p>My name is Martha Hartney. I'm an attorney licensed to practice in Colorado and am a constituent of Senator Fenberg's. Senator, it's clear you truly want the groundbreaking Natural Medicine Health Act to work and that you've put a great deal of effort into making that happen through the development of this bill. Thank you.</p> <p>I have significant experience in the area of psychedelic law as well as with traditional Amazonian ayahuasca ceremony. I currently serve as the steward of the Religious Use Committee of the Psychedelic Bar Association. However, I am not speaking for that or any body of which I am a member.</p> <p>I'm familiar with the text of Prop 122 and, have reviewed the content of SB290 as much as possible. The bill makes a lot of sense. However, I would like to recommend a critical amendment.</p> <p>Section 12-170-108 prohibits compensation to a medicine person for services provided in a bona fide religious, culturally traditional, or spiritual ceremony. I do not understand the premise of this prohibition and conclude it is a grievous mistake. Many people who guide medicine ceremonies have dedicated their lives to the study and mastery of ceremonial use. For example, ayahuasqueros engage in rigorous apprenticeships in order to serve ayahuasca—often lasting 5 to 10 years before being able to navigate the intricate world of ayahuasca ceremony. There are a growing number of indigenous ayahuasqueros in the United States as well as western-born, Indigenous-trained ayahuasqueros who are uniquely qualified to serve this natural medicine here.</p> <p>The advanced spiritual technologies of indigenous cultures are being brought into the light of day after 500 years of persecution and suppression. To now cut off the lifeblood of appropriate exchange perpetuates a system of thoughtless taking epitomizing our Western, extractive mindset. Prohibiting compensation inflicts damage on skilled</p>

	<p>professionals doing important work; insults their dedication and effort; and shunts the rewards of commodified psychedelic healing into a regulated model, leaving our ceremonial stewards unfairly out in the cold and exposed to criminal liability. This is the opposite of what the NMHA was intended to do.</p> <p>I respectfully request this body reconsider the prohibition of remuneration for religious, spiritual, or communal practice in order to foster the development of dedicated practitioners in this field and protect them from criminal liability as Colorado voters saw fit to do in November.</p>
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administrative, and integrations session" while the personal use section still allows for "counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services."

Agree it should be explicitly stated that facilitation is only within the context of healing center services and that the ban on remuneration applies only to the sale of plant medicines and not to "counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services" provided in conjunction with gifting plant medicines.

- Removes communal protections and re-criminalizes ceremonial use if there is any compensation involved, could be a felony to distribute with any compensation
- Criminalizes the display of "natural medicine" – we are talking about plants and fungi. The "soul vine" B Caapi vine used in Ayahuasca ceremonies is on display growing freely at the Denver Botanic Gardens.
- Criminalizes growing San Pedro cacti unless it is in a closed locked space. Cacti is grown inside and outside, freely and needs the sun, this is a cactus.
- Creates language that may open up police discretion around "intent to distribute" potentially giving enforcement police authority to search and make arrests based on perceived intent instead of clear unlawful activity
- Potentially re-criminalizes crystal form DMT
- Sets cultivation of plant/fungal medicine must be done on person's private property, subject to a 12 x 12 foot limitation

Concerns sent to Fenbergs office & voiced in a community stakeholder meeting on 3/31. The bill draft does little to introduce address:

- **Respect the will of the voters and do not recriminalize** by introducing numeric limits, criminal penalties or making changes to the "personal use" section. With just 3 weeks left of the legislative session, it's best to leave the language as it is. A proper stakeholder process is necessary for any significant changes.
- **Protections for the Medicine and Indigenous people/practices**— we need to prioritize building relationships with indigenous communities and supporting indigenous leadership and advocacy. We need to learn more from legacy medicine keepers. Prioritize the concerns and needs of Indigenous communities and listen to them. They have been using this safely in their communities for thousands of years.

- **Protect Religious, Spiritual and Indigenous Use**
- **Create a budget for harm reduction education and general public education campaigns** led by government and local org collaborations — we need to educate youth/people immediately
- **Create an arrest notification database** for people arrested for offenses involving natural medicine that require the quantity, charged offense, and probable cause for arrest
- **Transparency of donors and use of data collected:**
 - Provide a bi-annual report as to who is donating and how much is being donated into the regulated access program fund
 - The mandatory collection of data from healing centers is to be used for what? What about research ethics to 3rd party access to the data? Concerns that this data gathered from Colorado's healing centers could serve as:
 - 1) a way to drive legalization policy in other states
 - 2) a way to develop paid subscribers to the data, biotech, pharma
- **Create some sort of "Reciprocity Fund"** within the regulatory framework to be paid for by healing centers that surpass a certain revenue threshold. This fund could be held in a community trust and prioritize the development of healing centers/practices of BIPOC and other marginalized groups. Businesses that pay into the fund could do so through an upfront participation fee in the regulated access program and an annual percentage of revenue once they are operational. This would be a participatory fund, completely generated from businesses participating in the Nature Medicine Regulated Access Program. There could be a clause for exemption from fees if a business met certain criteria (like BIPOC ownership and/or being under a certain projected revenue threshold).
- **Create a community taskforce** to be able to provide input and recommendations from the community for inclusivity and equitable access

EDUCATIONAL RESOURCE

Scan QR Code to 10 page resource on the Five Natural Medicines:



For Reference

I'd like to refer to what was in the 2022 Blue Book from Prop 122 sent out to millions of Coloradans who used this as a guide to vote.

2022 State Ballot Information Booklet (Blue Book) states prepared by the Legislative Council, Senator Steve Fenberg as Vice Chair.

Page 26:

- decriminalize the personal possession, growing, sharing, and use, but not the sale, of five natural psychedelic substances by individuals aged 21 and over, including two substances found in psychedelic mushrooms — psilocybin and psilocin — and three plant-based psychedelic substances — dimethyltryptamine, ibogaine, and mescaline;

What does the measure do?

Personal use. Upon passage of the measure, psychedelic mushrooms and the other plant-based psychedelic substances **will be decriminalized in state law, and individuals aged 21 and older will be able to grow, possess, share, and use them.** Personal use does not allow for the sale of psychedelic mushrooms and other plant-based psychedelic substances.

Citations:

REFERENCE TO BLUE BOOK



Access to Natural Psychedelic Substances

Placed on the ballot by citizen initiative • Passes with a majority vote

Ballot Title

Shall there be a change to the Colorado Revised Statutes concerning legal regulated access to natural medicine for persons 21 years of age or older, and, in connection therewith, defining natural medicine as certain plants or fungi that affect a person's mental health and are controlled substances under state law; establishing a natural medicine regulated access program for supervised care, and requiring the department of regulatory agencies to implement the program and comprehensively regulate natural medicine to protect public health and safety; creating an advisory board to advise the department as to the implementation of the program; granting a local government limited authority to regulate the time, place, and manner of providing natural medicine services; allowing limited personal possession, use, and uncompensated sharing of natural medicine; providing specified protections under state law, including criminal and civil immunity, for authorized providers and users of natural medicine; and, in limited circumstances, allowing the retroactive removal and reduction of criminal penalties related to the possession, use, and sale of natural medicine?

What Your Vote Means

YES A "yes" vote on Proposition 122 requires the state to establish a regulated system for accessing psychedelic mushrooms and, if approved by the regulating state agency, additional plant-based psychedelic substances and decriminalizes the possession and use of psychedelic mushrooms and certain plant-based psychedelic substances in Colorado law for individuals aged 21 and over.

NO A "no" vote on Proposition 122 means that the possession and use of psychedelic mushrooms and other plant-based psychedelic substances will remain illegal under state law.



Access to Natural Psychedelic Substances

Placed on the ballot by citizen initiative • Passes with a majority vote

Proposition 122 proposes amending Colorado statutes to:

- by late 2024, allow the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and require the state to create a regulatory structure for the operation of these licensed facilities;
- allow the state to expand the types of substances that may be used in licensed facilities to include the use of additional plant-based psychedelic substances — dimethyltryptamine (DMT), ibogaine, or mescaline — starting in 2026;
- decriminalize the personal possession, growing, sharing, and use, but not the sale, of five natural psychedelic substances by individuals aged 21 and over, including two substances found in psychedelic mushrooms — psilocybin and psilocin — and three plant-based psychedelic substances — dimethyltryptamine, ibogaine, and mescaline;
- allow local governments to regulate the time, place, and manner of operation of these facilities, while prohibiting local governments from banning licensed facilities, services, and use of natural psychedelic substances; and
- establish penalties for individuals under the age of 21 for possessing, using, or transporting natural psychedelic substances and for individuals aged 21 and over who allow underage access to these substances.

