MORGAN COUNTY PLANNING COMMISSION

AGENDA

DATE: **Monday, August 12, 2024**
TIME: **6:00 P.M**.
PLACE: **Assembly Room, 231 Ensign Street**
Option of remote attendance via ZOOM for regular meeting

Link to Zoom meeting:
https://us02web.zoom.us/j/89686040693
Or Telephone:
Dial:
+1 719 359 4580 US
Webinar ID: 896 8604 0693

All materials are available for inspection at the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, during regular office hours. Twenty-four hours prior to the meeting, the Planning Commission meeting packet is available here: morgancounty.colorado.gov.

AGENDA

1) Regular Meeting

Roll Call
Agenda
Minutes from 07/08/2024

2) Public Hearing

a) **Applicants and Landowners:** Dwayne and Diana Malone
Legal Description: Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.
Request: Special Use Permit to construct a second single-family dwelling in a commercial zone.

b) **Zoning Amendments:** Amendments relating to regulation of natural medicine facilities – including natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities.

c) **Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

ADJOURN:

| PLANNING COMMISSION 6:00 P.M. | AUGUST 12, 2024 |
MALONE SPECIAL USE

TABLE OF CONTENTS

MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT

Dwayne and Diana Malone
17540 CO RD 15
Fort Morgan, CO 80701
Sent via email: [redacted]

Dear Applicant/Landowner:

Your Application for a Special Use Permit has been received by our office and will go to review and decision by the Planning Commission and the Board of County Commissioners. The hearing for the Planning Commission will be held on **August 12, 2024 at 6:00 P.M.** The hearing for the Board of County Commissioners will be held on **August 20, 2024 at 9:00 A.M.**

Mineral Right notifications need to be made by July 13, 2024 and proof of mailing provided to our office no later than July 26, 2024 (at least 15 days prior to the above mentioned hearing date).

As per Section 2-390(B), notification sign postings need to occur no later than 10 days prior to each hearing and photographs accompanied by an affidavit to our office no later than 5 days prior to each hearing. One sign facing each public right-of-way adjacent to the property is required. The county will provide one sign for each hearing, for your entrance at County Road 15, it is up to you to post it.

Planning Commission sign notice dates: **Posted by August 2, 2024**
Pictures and Affidavit by August 7, 2024
Board of County Commissioners sign notice dates: **Posted by August 9, 2024**
Pictures and Affidavit by August 15, 2024

We will have the PC and also the BCC signs ready to be picked up in our office on July 31, 2024. **Please post the BCC sign no sooner than the 9th of August.**

It is necessary that you be present at both hearings to answer any questions the Planning Commission or Board may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,

Nicole Hay
Nicole Hay
Planning Administrator

MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT
NOTICE OF CHANGE IN DATES

Dwayne and Diana Malone
17540 CO RD 15
Fort Morgan, CO 80701
Sent via email: [redacted]

Dear Applicant/Landowner:

Your Application for a Special Use Permit has been received by our office and will go to review and decision by the Planning Commission and the Board of County Commissioners. The hearing for the Planning Commission will be held on **August 12, 2024 at 6:00 P.M.** The hearing for the Board of County Commissioners will be held on **August 20, 2024 at 9:00 A.M.** **AUGUST 20, 2024 has been changed to August 13, 2024 at 9:00 A.M.**

Mineral Right notifications need to be made by July 13, 2024 and proof of mailing provided to our office no later than July 26, 2024 (at least 15 days prior to the above mentioned hearing date).

As per Section 2-390(B), notification sign postings need to occur no later than 10 days prior to each hearing and photographs accompanied by an affidavit to our office no later than 5 days prior to each hearing. One sign facing each public right-of-way adjacent to the property is required. The county will provide one sign for each hearing, for your entrance at County Road 15, it is up to you to post it.

Planning Commission sign notice dates:

Posted by August 2, 2024
Pictures and Affidavit by August 7, 2024

Board of County Commissioners sign notice dates:

Posted by August 9, 2024
August 9, 2024 has been changed to August 3, 2024.
Pictures and Affidavit by August 15, 2024
August 15, 2024 has been changed to August 8, 2024.

We will have both the PC and BCC signs ready to be picked up in our office on July 31, 2024.

It is necessary that you be present at both hearings to answer any questions the Planning Commission or Board may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,
Nicole Hay
Nicole Hay, Planning Administrator

Morgan County Government ~ 231 Ensign St ~ PO Box 596 ~ Fort Morgan, CO 80701
Telephone (970) 542-3526 ~ nhay@co.morgan.co.us

FILE SUMMARY

MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT

MORGAN COUNTY PLANNING COMMISSION
FILE SUMMARY
July 28 2024
Hearing date – August 12, 2024

APPLICANT and LANDOWNER: Dwayne and Diana Malone

This application is for a Special Use Permit to allow a second residence on a lot in the Commercial zone. The property is described as Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.

The property is zoned Commercial and is in the Fort Morgan Fire District. Second residences are not a designated use by right, conditional use, or special use under the Morgan County Zoning Regulations in the Commercial zone and therefore, require a special use permit pursuant to Sec. 2-435.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

The property is located in the central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. For many years, this specific area along Highway 34 has been used as residential property. This proposed second residence will not impact current agricultural production and therefore preserve the agricultural economic base historically attributed to the area.

B. All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

C. The site plan conforms to the district design standards of these Regulations.
The requirement of a special use map was waived by the Planning Administrator. The site plan provided included sufficient information for the proposed use.

D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
There is access to public infrastructure. There is an existing access easement to the property from County Road 15.

E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
The adjacent properties are all being used as residential purposes except to the south across Highway 34 the property is farm ground.

F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
The proposed special use will not increase the risk to public health, safety or welfare.

G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed special use is located on a conforming parcel which is a lot in a recorded subdivision.

H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.
Morgan County Quality Water will be available on the property.

Nicole Hay,
Morgan County Planning Administrator

ORIGINAL SUBMITTAL

Original Application

Right to Farm

MORGAN COUNTY PLANNING
ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970)542-3526
FAX (970)542-3509
EMAIL: permits_licensing@co.morgan.us

PERMIT # SU2024 - 0056

Date Received 12/20/24 Received By JS
App Fee $1050 Ck/CC #: 7623 Paid 12/20/24
Minor Amend Fee: $____ CK/CC #:____ Paid __/__/__
Recording Fee $____ Ck/CC #:____ Paid __/__/__
PC Date: __/__/__ BOCC Date: __/__/__
100 Year Floodplain? Y (N) Taxes Current? (Y)/N

SPECIAL USE PERMIT APPLICATION

(Also to be used as application for Amendments to Existing Special Use Permits)

Landowner **MUST** Sign Application and Right to Farm Policy

APPLICANT

Name Dwayne & Diana Malone
Address 17540 Cty Rd 15
Ft. Morgan, CO 80701
Phone [redacted]
Email [redacted]

LANDOWNER

Name Dwayne & Diana Malone
Address 17540 Cty Rd 15
Ft. Morgan, CO 80701
Phone [redacted]
Email [redacted]

BRIEF DESCRIPTION OF APPLICATION

To construct a Single family dwelling

PROPERTY LEGAL DESCRIPTION

Address (if available):

S: 3 T: 3 R: 58 W ½ NW ¼ ¼ ¼ Property Size 4.0599 (sq. ft. or acres)

Parcel #: 1227-030-02-002 Zone District: C

Subdivision: Walker Minor Sub Lot #(s): 2

Is property located within 1320' (1/4 mile) of a livestock confinement facility? Y (N)

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED.

SPECIAL USE PERMIT REQUIRED ATTACHMENT LIST

Fee: ☒ **Non-Refundable Application Fee**

**Additional fees and charges may be required pursuant to Section 2-160 of Morgan County Zoning Regulations. Applicant will be responsible for any legal fees after the first 5 hours.*

Project Narrative: ☒ **Narrative– Including the following:**

- ☒ Project Description
- ☒ Purpose of request
- ☒ How this proposal complies with the Morgan County Comprehensive Plan
  See:*https://morgancounty.colorado.gov/sites/morgancounty/files/Comprehensive- Plan-2008.pdf*
- ☒ How this project/proposed use meets the criteria for Special Use Permit pursuant to Sec. 2-395 of the Zoning Regulations
- ☒ How the project/proposed use meets any specific criteria related to the project/proposed use. *See Morgan County Zoning Regulations Chapter 4-Supplementary Regulations, including but not limited to: Campgrounds, Livestock Confinement, Kennels, Outdoor Shooting Ranges, Home Occupations, Oil and Gas, Mobile Home Parks, Wireless Service Facilities, Solar, Wind and BESS*
- ☒ How project will relate to or impact existing adjacent uses
- ☒ All off-site impacts and proposed mitigation measures
- ☒ Development or implementation schedule of project
- ☒ Proposed length of time the permit, if applicable
- ☒ Discussion of any public improvements required to complete the project

Environmental Impacts: ☐ Discuss any environmental impacts the Special Use will have on the following and the proposed mitigation measures:

☐ Air Quality	☐ Dust	☐ Existing Vegetation	☐ Land Forms
☐ Noise	☐ Odor	☐ Storm Water Runoff	☐ Water Resources
☐ Wetlands	☐ Wildlife	☐ Visual Amenities	☐ Other _____

Map & Plans:

- [x] **Special Use Map** meeting the requirements of Sec. 2-420 and any specific map requirements for the proposed use including but not limited to: *Campgrounds, Livestock Confinement, Kennels, Outdoor Shooting Ranges, Home Occupations, Oil and Gas, Mobile Home Parks, Wireless Service Facilities, Solar, Wind and BESS. Sample Map attached to application for reference*

- [ ] **Drainage/Run-Off Control Plan** may be required if the Planning Administrator determines that the use or building meets one of the following criteria:

  (1) The accessory use or building may have a drainage impact on adjacent properties;
  (2) The accessory use or building may have a drainage impact on adjacent right of ways;
  (3) The accessory structure is 5000 square feet or larger.

- [ ] **Decommissioning Plan** [Wind, Solar, BESS]
- [ ] **Geotechnical Report** [Wind, Solar]
- [ ] **Maintenance Statement** [Wind, Solar, BESS]
- [ ] **Water and/or Wind Erosion Control Plan** [Wind, Solar]
- [ ] **Fire Mitigation Plan** [BESS]
- [ ] **Specification Sheet** [BESS]
- [ ] **Emergency Operation Plan** [BESS]

Ownership:

- [x] **Current title insurance commitment (last 6 months)** ✓
- [x] **Mineral Rights Holders Notification** ✓
- [ ] **Notice to FFA & Approval Letter** [Wind]
- [ ] **Notice to Operator of Communication Link (if applicable)** [Wind]
- [x] **Proof of current paid taxes** ✗

Utilities/Access:

- [x] **Water tap (Engineering Report from Quality Water or proof of access to a well)**
- [x] **Sewer (Septic Permit, Will Serve Letter from NCHD or proof of other public system)**
- [x] **Electric (Electric bill or letter of commitment from electricity provider)**
- [ ] **Driveway Permit from CDOT or Morgan County Road & Bridge (If required by staff)**
- [ ] **Ditch Company- Proof of contact if there is a ditch on or next to subject property**
- [ ] **Architecture Control Approval (if applicable)**
- [ ] **Utility Interconnection or Crossing Certification** [Wind, Solar]
- [ ] **Road Agreement** [Wind, Solar]
- [ ] **Electrical Diagram** [BESS]

Vested Rights: ☐ **Vesting Rights** (Optional). If applying for vested rights with special use application, the following must be submitted:

- ☐ Period of time Vesting Rights are requested
- ☐ Development schedule including timeline and phases
- ☐ Reason for request
- ☐ Other pertinent factors concerning the development
- ☐ Additional application fee for vesting rights application

Miscellaneous: ☒ **Right to Farm Policy** signed by Landowner(attached)

- ☐ **Liability Insurance for Solar, Wind and/or BESS projects**
- ☐ **____# Paper Application sets**
- ☐ **____Digital Copy of Application** (One sided only)
- ☐ **Posted Public Notice Verification:**
  - ☐ Notarized affidavit with photographs from a distance & close-up

  This must be submitted PRIOR to Planning Commission hearing and PRIOR to Morgan County Board of Commissioners hearing
- ☐ **Additional Information required by staff:**

_____

APPLICANT & LANDOWNERS **MUST** SIGN APPLICATION ON NEXT PAGE

APPLICANT & LANDOWNER'S STATEMENT

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge.
Application must be signed by landowners as shown on title insurance/commitment.

Applicant Signature — Date 6/19/24

Diana Malone — Applicant Signature — Date 6/19/24

Landowner Signature — Date 6/19/24

Diana Malone — Landowner Signature — Date 6/19/24

MORGAN COUNTY, PLANNING, ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970) 542-3526 FAX (970) 542-3509

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office and the County Planning and Zoning Department, and County Attorney.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

To Be Signed by Landowner

Signature _____ Date 6/19/24

Printed Name Dwayne Malone

Address 12540 County Road 15

Fort Morgan Co. 80701

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

RECEIPT

Morgan County

231 Ensign, Fort Morgan, CO 80701

(970) 542-3526

SU2024-0005 | Special Use Permit

Receipt Number: 545141

Payment Amount: **$650.00**

July 3, 2024

Transaction Method	*Payer*	*Cashier*	*Reference Number*
Check	Dwayne Malone	Jenafer Santos	7623

Comments

Paid on 6/20/2024

Assessed Fee Items

Fee items being paid by this payment

Assessed On	*Fee Item*	*Account Code*	*Assessed*	*Amount Paid*	*Balance Due*
7/03/24	Special Use - Full Review		$650.00	$650.00	$0.00
		Totals:	$650.00	$650.00	
				Previous Payments	$0.00
				Remaining Balance Due	$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
17540 CO RD 15 FORT MORGAN, CO 80701	MALONE, DWAYNE & DIANA	17540 CO RD 15 FORT MORGAN, CO 80701	

Description of Work

Request to build a second single family dwelling in a commercial zone

APPLICANT NARRATIVE

Malone Special Use Permit Application
June 26, 2024

- Project Description: To construct a single-family dwelling. Note: This single-family dwelling will be a second residence within the existing commercial zone.

- Purpose of Request: To obtain a permit for constructing a residential home on commercial property. Note: This single-family dwelling will be a second residence within the existing commercial zone.

- How this Proposal Complies with the Morgan County Comprehensive Plan: Based on a review of the requirements of the Morgan County Comprehensive Plan, this proposal meets and complies with the requirements.

- How the Project / Proposed Use Meets the Criteria for the Special Use Permit Pursuant to Sec. 2-395 of the Zoning Regulations: The project will provide residential housing in a commercial zone.

- How the Project / Proposed Use Meets any Specific Criteria related to the Project / Proposed Use: The project / proposed use has no specific criteria; it is only applying for a special use permit to build a single-family dwelling.

- How Project will Relate to or Impact Existing Adjacent Users: Project will be a residential dwelling that will not relate to nor impact adjacent homeowners.

- All Offsite Impacts and Proposed Mitigation Measures: Non-applicable / None.

- Development of Implementation Schedule of Project: Construction to commence as soon as possible.

- Proposed Length of Time the Permit, if applicable: One (1) year.

- Discussion of any Public Improvements Required to Complete the Project: Discussion of any public improvements will require none.

- Special Use Map: Plat drawing included.

- Current Title Insurance Commitment (last six months): Title insurance commitment included.

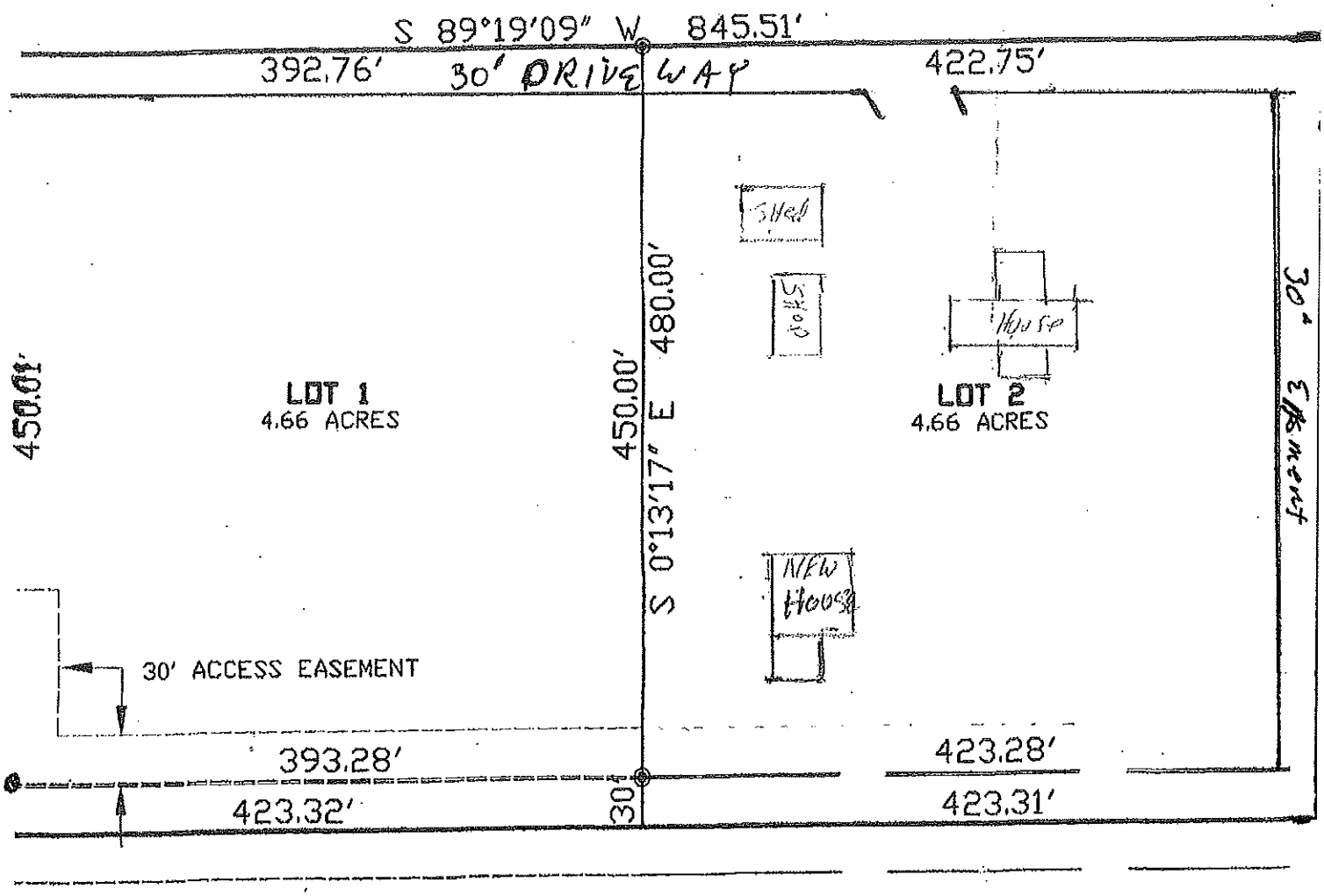
- Proof of Current Paid Taxes: Attached.

- Water Tap (Engineer Report from Quality Water of Proof of Access to Well): Attached.

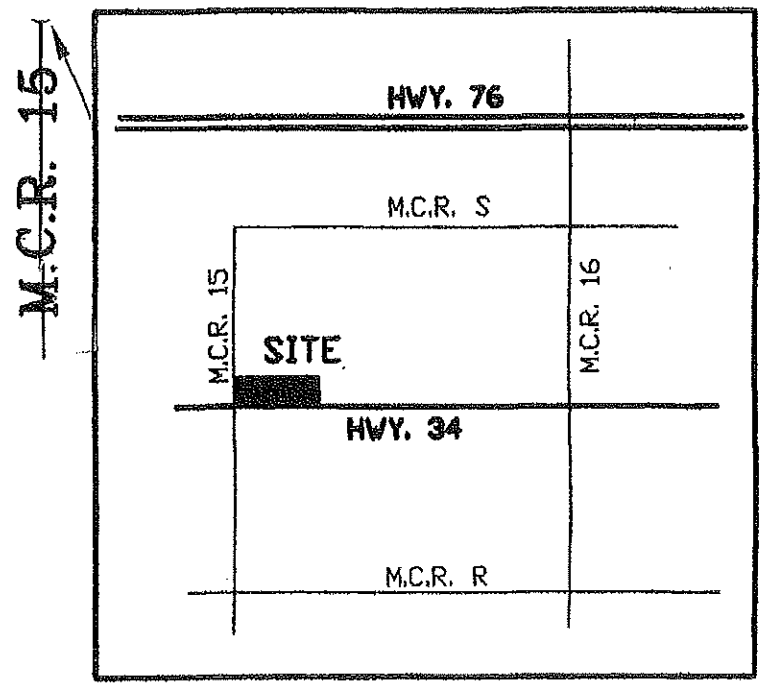
- Electric (Electric Bill or Letter of Commitment from the Electric Provider): Attached.

- Right to Farm Policy: Attached.

SITE PLAN / MAPS



POSITION EST. FROM FND.
R.M.'s FOR SW CORNER



VICINITY MAP

T. 3 N.

BASIS OF BEARINGS
BEARINGS AS SHOWN WERE DERI
ON MORGAN COUNTY G.P.S. CONTR

SCALE = 0.999957153

SECTION CORNER FOUND

CALCULATED POSITION FO
SECTION BREAKDOWN COR

PROPERTY CORNER SET
WITH PLASTIC ID CAP

PROOF OF OWNERSHIP

Current Title Insurance Commitment

NORTHERN COLORADO TITLE SERVICES CO., INC.
205 W. KIOWA AVENUE
FORT MORGAN, CO 80701
TELEPHONE (970)867-0233 * FAX (970)867-7750**

DATE: May 13, 2024
ORDER NO.: NCT25047
PROPERTY ADDRESS: 17540 COUNTY ROAD 15, Fort Morgan, CO 80701

OWNER/PURCHASER: DWAYNE MALONE and DIANA MALONE
TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

✓ To: DONALD MALONE [redacted] **ATTN:** DONALD

Fax No.:

_____ To: **ATTN:**

Fax No.:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, BROOKE, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

E-MAIL ADDRESS FOR CLOSING DOCUMENTS: closing@ncts.com
HAVE A WONDERFUL DAY!!!

✓ COMMITMENT AMT DUE IS ON SCHEDULE A (INVOICE)	_____ OWNERS TITLE POLICY
_____ PROPERTY REPORT AMT DUE IS ON PROPERTY REPORT (INVOICE)	_____ MORTGAGEES TITLE POLICY
_____ MORTGAGE/FORECOSURE GUARANTY	_____ DOCUMENTS
_____ SURVEY / ILC	_____ OTHER / INVOICE

ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Texas Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

FIRST AMERICAN TITLE INSURANCE COMPANY

By: _____
Kenneth D. DeGiorgio, President

By: _____
Lisa W. Cornehl, Secretary

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

COMMITMENT CONDITIONS

1. DEFINITIONS
   a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
   b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
   c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
   e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
   f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
   g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
   i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
   j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   a. the Notice;
   b. the Commitment to Issue Policy;
   c. the Commitment Conditions;
   d. Schedule A;
   e. Schedule B, Part I - Requirements; and
   f. Schedule B, Part II - Exceptions; and
   g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND
   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

5. LIMITATIONS OF LIABILITY
   a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I - Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.
   b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
   e. The Company is not liable for the content of the Transaction Identification Data, if any.
   f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
   g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM
   a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
   c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
   d. The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
   e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
   f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT
   The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY
   The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is $2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:
Issuing Agent: Northern Colorado Title Services Co., Inc.
Issuing Office: 205 W. Kiowa Avenue, Fort Morgan, CO 80701
Issuing Office's ALTA® Registry ID: 0044474
Commitment No.: NCT25047
Issuing Office File No.: NCT25047
Property Address: 17540 COUNTY ROAD 15, Fort Morgan, CO 80701

SCHEDULE A

1. Commitment Date: **May 8, 2024 at 08:00 AM**

2. Policy or Polices to be issued:

	AMOUNT:	PREMIUM:
ALTA Owners Policy (07/01/21)	**TBD**	**$200.00**

Proposed Insured: TO BE DETERMINED

Other Charges:

TOTAL DUE: $200.00

NOTE: A Minimum Fee of $115.00 will be charged if file is cancelled.

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

DWAYNE MALONE and DIANA MALONE

SCHEDULE A
(Continued)

5. The Land is described as follows:

Lot 2, WALKER MINOR SUBDIVISION, according to the recorded the plat thereof, Morgan County, Colorado.

NOTE: Any conveyance or encumbrance of the above described parcel of land must include the following: "Together with a 30 foot easement across Lot 1 of said Walker Minor Subdivision, as shown on the plat thereof recorded in Plat Book 9 at page 35, for the purpose of ingress and egress to and from said Lot 2." Said easement is for informational purposes only and will not be insured on the final policy.

and commonly known as (for informational purposes only): **17540 COUNTY ROAD 15, FORT MORGAN, CO 80701**

Northern Colorado Title Services Co., Inc.

Authorized Signatory

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

SCHEDULE B, PART I - REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

    a. Proper Deed from DWAYNE MALONE and DIANA MALONE to TO BE DETERMINED, conveying the land described herein.

    b. Dollar amount of Policy coverage must be provided to the Company.

    c. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

SCHEDULE B, PART II - EXCEPTIONS

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

2. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easements, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.

6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.

7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.

8. Reservation as contained in United States Patent recorded DECEMBER 18, 1905 in Book 44 at Page 36 as follows: Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises.

9. Right of way for ROAD purposes as specified in ROAD PETITION recorded JULY 31, 1906 in Book 15 at Page 101, said road to be not less than 60 feet in width.

10. RIGHT OF WAY FOR ROAD PURPOSES AS SPECIFIED IN ROAD PETITION RECORDED JANUARY 10, 1902 IN BOOK 15 AT PAGE 137.

SCHEDULE B, PART II
(Continued)

11. Right of way for ROAD purposes as shown on the FORT MORGAN MASTER STREET PLAN recorded SEPTEMBER 1, 1981 in Plat Book 5 at Page 93.

12. SUBJECT TO A ROAD RIGHT OF WAY APPROXIMATELY 40 FEET IN WIDTH ALONG THE SOUTH LINE OF SUBJECT PROPERTY AND A ROAD RIGHT OF WAY 30 FEET IN WIDTH ALONG THE EAST, NORTH AND WEST LINES OF SAID TRACT, AS EXCEPTED IN DEED RECORDED JULY 31, 1962 IN BOOK 661 AT PAGE 284, AND AS SHOWN ON PLAT OF SAID SUBDIVISION RECORDED IN PLAT BOOK 9 AT PAGE 35.

13. An undivided 3/4 interest in all oil, gas and other mineral rights, as reserved by BIJOU LAND AND INVESTMENT COMPANY in the Deed to L.E. KIME recorded JULY 31, 1962 in Book 661 at Page 284, and any and all assignments thereof or interests therein.

14. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; AND (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656.

First American Title™

Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American" "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit https://www.firstam.com/privacy-policy/. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit https://www.firstam.com/privacy-policy/.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit https://www.firstam.com/privacy-policy/.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit https://www.firstam.com/privacy-policy/.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting https://www.firstam.com/privacy-policy/.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us: dataprivacy@firstam.com or toll free at 1-866-718-0097.

First American Title™

For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in https://www.firstam.com/privacy-policy. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in https://www.firstam.com/privacy-policy.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in https://www.firstam.com/privacy-policy.

UTILITIES / ACCESS

Water

Septic

Electric

Driveway Permit

MORGAN COUNTY QUALITY WATER
P.O. BOX 1218
FORT MORGAN, CO 80701
(970)867-3054 www.mcqwd.org

PRESORTED
FIRST-CLASS MAIL
US POSTAGE PAID
Permit #19
Fort Morgan CO 80701

SRVC	PRESENT RDG	PREVIOUS RDG	USED	AMOUNT
PB WAT	3,889	3,864	25,000	103.53

Happy Father's Day
You can view or pay your bill at www.mcqwd.org.

ACCOUNT #	ROUTE
4272.00	7
SERVICE FROM	**SERVICE TO**
04/24/2024	05/23/2024
DATE BILL MAILED	**DAYS USED**
05/31/2024	29
DUE DATE	**NOW DUE**
06/10/2024	103.53
RETURN SERVICE REQUESTED	**REMIT AFTER DUE DATE** 103.53

PLEASE RETURN THIS STUB WITH PAYMENT

ACCOUNT #	
4272.00	
SRVC ADDR	17540 Road 15
NOW DUE	**DUE DATE** / **REMIT AFTER DUE DATE**
103.53	06/10/2024 / 103.53

Dwayne Malone
17540 Co Rd 15
Fort Morgan CO 80701-2643

NOCO ENGINEERING COMPANY

11323 Coal Mine Street
Firestone, CO 80504
Phone: 720-324-3625
www.nec-engrs.com

File No: 24-006.05

June 11, 2024

☐ Commercial Request

☒ Secondary Plat Review Required

Morgan County Quality Water District
P.O. Box 1218
Fort Morgan, CO 80701

6-11-24
KM

ATTN: Kent Pflager, Manager

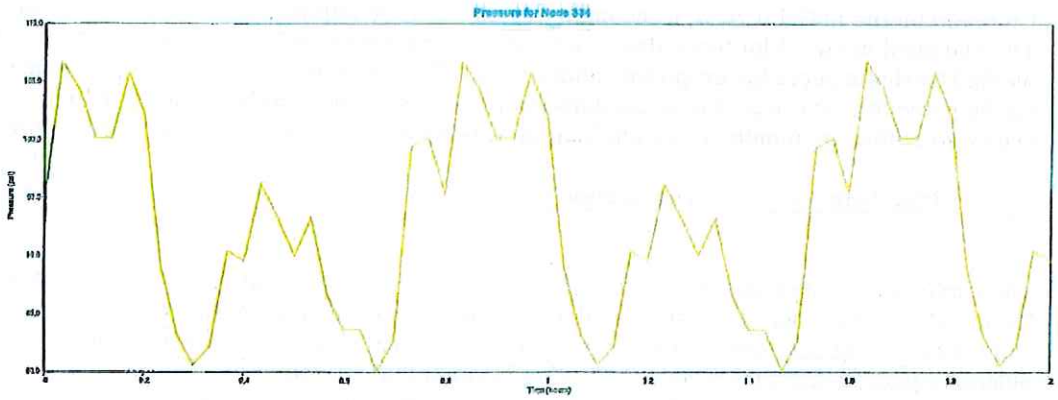
RE: Tap Request 2024-20 – Node 334

Dear Kent:

The analysis for the following tap request has been completed:

Applicant	No. of Requested Taps	Location
Edward Hruda	1-5/8" Tap	17540 County Rd 15, Fort Morgan

The tap request is to serve a second proposed residence on an existing lot. There is an existing four-inch (4") line adjacent to the property. The existing pressures in this area are between 80 psi and 107 psi. With the proposed tap request the pressures will be between 80 and 107 psi as shown below.



The following table indicates the impact of this request on the peak-hour pressures at critical areas within the District without any improvements.

Location	Pressure Before Proposed Taps Added (psi)	Pressure After Proposed Taps Added (psi)
Wiggins Pump Station Inlet (#1140)	41	41
Road 23 (North End #2110)	74	74
North of Jackson Lake (#1921)	27	27
Northeast End of District (#2230)	87	87
Adams Co. (#1250)	41	41

* Spreadsheet was modified which changes the values 6/10/24

System Improvements required to serve this request:

The applicant will need to supply a plat map if the property is being subdivided.

Engineer's Recommendation:

NEC recommends conditional approval of this application; Engineer's recommendation is solely based on the pressures observed from the water model; official/final approval will be from the District in which the District will ensure the application meets all of the District's rules and regulations before issuing final approval. Commercial taps are required to be Board approved.

Secondary Plat Review Requirement:

If the applicant is dividing the property into multiple lots and does not have the proposed subdivision platted and stamped by a licensed surveyor or engineer registered in the State of Colorado on the initial review, a secondary review will be required once the plat is complete. The plat shall show all lot lines, designated utility easements, and right-of-ways as required by the District to serve the proposed subdivision. The location of the meter shall be located on the parcel it is serving. The secondary tap review is required to be completed and approved within six months from application, otherwise a new application may be required.

Master Plan Improvements recommended:
None.

The applicant is responsible for the construction of any main extensions from the existing line to serve the proposed tap, in accordance with current District Construction Guidelines, and for providing easements for the main extensions located on private property and obtaining permits from the County and other permits that are required. The applicant should make arrangements for the implementation of this request, or express Intent to Proceed, within 90 days of the date of this correspondence. Otherwise, the proposed request will be removed from the model. If the applicant decides to proceed with the installation anytime thereafter, additional analysis may be necessary.

If this request is to serve a commercial tap, and if the Applicant's total water use in any two years out of three consecutive years exceeds 0.7 acre feet times the number of tap equivalents purchased, then the District may require Applicant to purchase additional tap equivalents to cover the additional demand, and the volumetric limits shall be modified to reflect the additional tap equivalents.

If you have any questions, please do not hesitate to call.

Sincerely,

Josh Cook

Josh Cook, P.E.
President
NOCO Engineering Company

Northeast Colorado Health Department

May 22, 2024

Dwayne and Diana Malone
17540 County Road 15
Fort Morgan, CO 80701

Dear Mr. and Mrs. Malone:

This department has no objection to placing a second home, with its own new onsite wastewater treatment system (OWTS) on one lot. The proposed house is to be built on Lot 2, located at 17540 County Rd 15, Fort Morgan, in Section 03 – Township 3N – Range 57-58 of Morgan County, Colorado. Approximately 4.66 acres are involved.

The proposed lot currently contains a home, a shop, and a shed with a separate existing septic system. Potable water will be supplied by a Morgan County Quality Water district.

Prior to building a new residence, the owner(s) shall obtain from this office an application to install or repair an OWTS, and remit the appropriate fee. **Construction of an OWTS shall conform to all Northeast Colorado Health Department Onsite Wastewater Treatment System Regulations.** Including, but not limited to, setback distances from wells, creeks, irrigation ditches, property lines, buildings, high water, floodway and other septic systems.

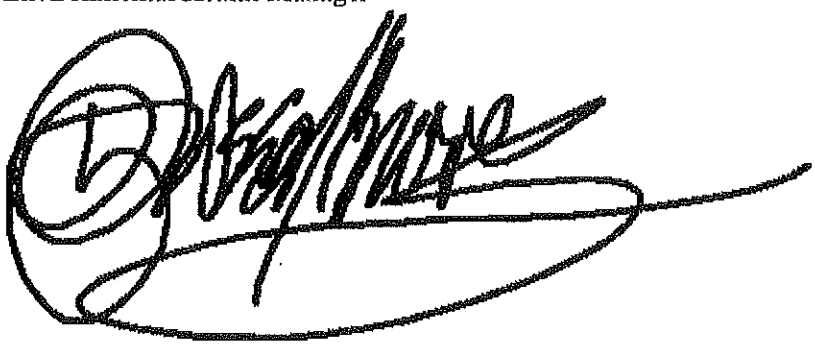
If there are any questions please call me at 970/867-4918 ext. 2262

Sincerely,

Elissa Groves
Environmental Health Specialist
Northeast Colorado Health Department

Cc: Mel Bustos

Environmental Health Manager



YNNN

Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

OFFICE HOURS: Monday - Friday 8:00 AM - 4:30 PM
PHONE: 970-867-5688 or 800-867-5688
EMAIL: customerservice@morea.org
WEBSITE: www.morea.org

TOTAL AMOUNT DUE

$165.40

Due Date 06/15/2024

See next page for bill details.

Account Information

Account #:	**2238700**
Customer Name:	DWAYNE MALONE DIANA MALONE
Statement Date:	06/01/2024
Current Bill Due Date:	06/15/2024
Mailing Address:	17540 COUNTY ROAD 15 FORT MORGAN CO 80701-8316

Balance Summary

Previous Balance	$149.69
Payment(s)	-$149.69
Balance Before Current Charges	**$0.00**
Total Current Charges	**$165.40**
Total Amount Due	**$165.40**

IMPORTANT CUSTOMER INFORMATION

Join us for Morgan County REA's 2024 Member Appreciation Picnic on June 13th! See the back of this bill for details and learn how you can win prizes. We hope to see you there!

Morgan County Rural Electric Association

734 Barlow Road · P.O. Box 738 · Fort Morgan, Colorado 80701

(970) 867-5688 · FAX: (970) 867-3277 · e-mail: customerservice@mcrea.org

A Touchstone Energy® Cooperative

May 15, 2024

DWAYNE MALONE
DIANA MALONE
17540 COUNTY ROAD 15
FORT MORGAN CO 80701

RE: Certification of Electric Power
NW ¼, Sec 3, T03N, R58W
Dwayne and Diane Malone

This letter is in regard to a request to provide certification to the Morgan County Planning and Zoning Commission, that we can provide sufficient electric power for Dwayne and Diane Malone in the Northwest Quarter of Section 3, Township 03 North, Range 58 West.

Morgan County REA presently has electric distribution lines near this property, and will be able to provide electric service to the proposed site.

We hope this letter will suffice. If we can be of any further assistance, please feel free to contact the office.

Sincerely,

Brent Kliesen
Field Engineer
Morgan County REA
734 Barlow Road
PO Box 738
Fort Morgan, CO 80701
970-867-5688 (Office)

DRV15-0.1-E3-SH34

June 14, 2006

Wallace D. & Bonnie J. Pickens
922 Vickie St.
Fort Morgan, Co 80701

Dear Mr. & Mrs. Pickens,

Morgan County Highway Department has no objection to the use of a present driveway for lot# 4, a new driveway for lot # 2, a new driveway to be shared for lot # 1 & lot # 3 located onto Morgan County Road 15 as access to the property located at: A portion of

W ½ NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M.

If at a future date, Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a 40 foot driveway. Such parties may acquire the culvert and installation from anyone they wish, but the culvert must be pre-approved by the County. The culvert may be purchased from the County and the County may do the actual installation upon signed agreement between parties.

Sincerely,

Joe B. Baltazar
Transportation and Environmental Director

JBB/cb

MORGAN COUNTY
Road and Bridge Department

6-14-06

REQUEST FOR DRIVEWAY ACCESS LETTER

Requested By:
Name: Troy Armstrong Date: 6-8-06
Address: 1532 42nd Ave. Ct.
Greeley, Co 80634
Phone: [redacted]

W½ NW¼ S3 T3N R65W

Legal Description: Lot 2 Pickens West Subdivision

Present Driveway Location: N/A

New Driveway Location: See Attached site plan Rd 15

If this letter is to be mailed to a address different from above indicate:

Name: Troy Armstrong
Address: 1532 42nd Ave Ct.
Greeley, Co. 80634
Phone: [redacted]

Submit this request to: Morgan County Road and Bridge Department
DICK EARLY
17303 RD S
P.O. Box 516
Fort Morgan, CO 80701
(970) 542-3560
Fax 3567

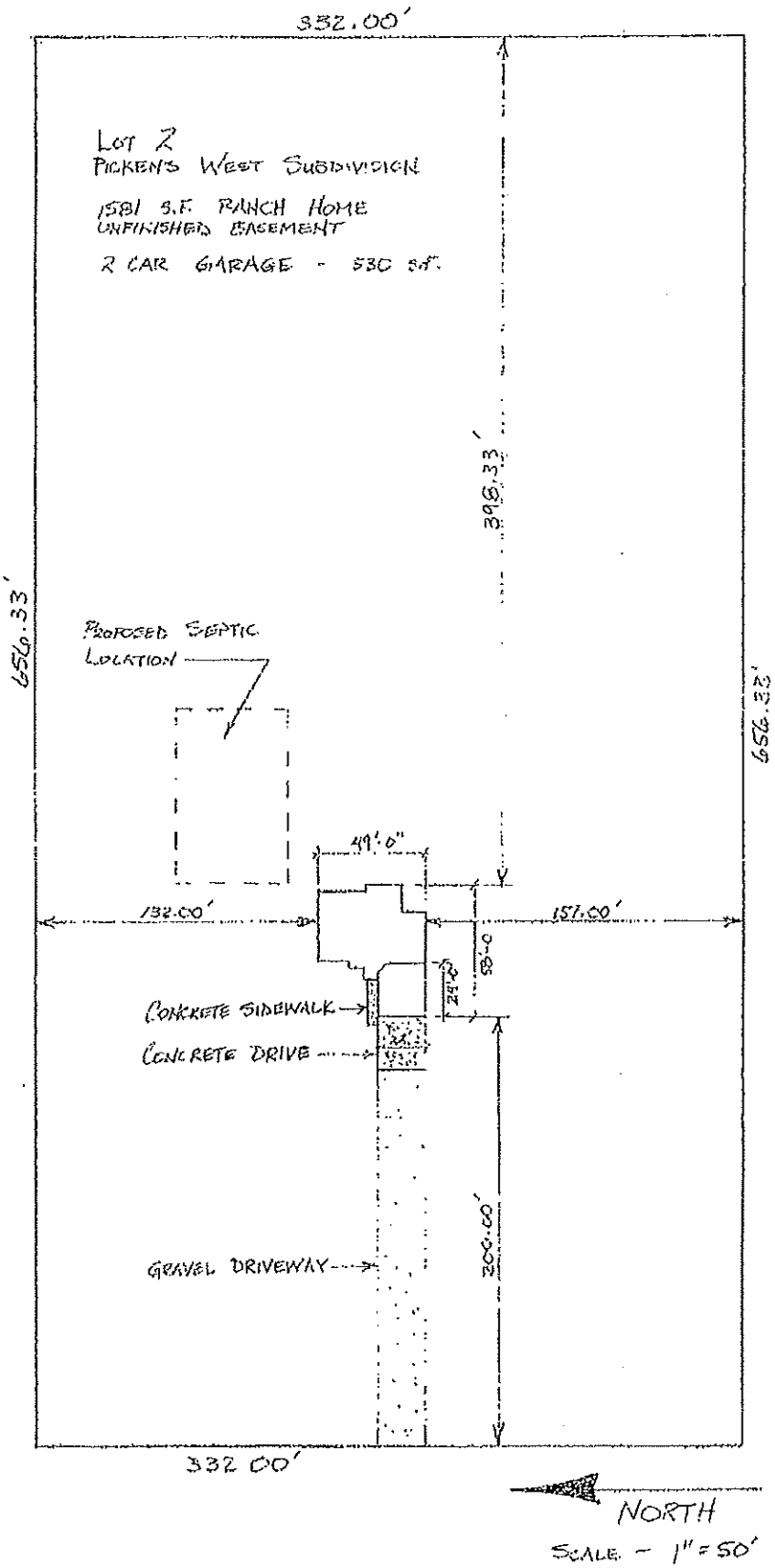
For office use only

Received By:_____ Date:_____

Completed By:_____ Date:_____

SITE PLAN

RIPPIN' ENTERPRISES, LLC
1532 42ND AVE CT
GREELEY, CO 80634
CONTACT - TROY ARMSTRONG
(970) 590-0927



Approved Driveway Access Permit

Morgan County, Colorado

Driveway Access Code:	**DRV15-0.089-E-SH34**				**Date:**	**7-2-24**	
Property Owner (Permittee):							
Name:	**Dwayne & Diana Malone**						
Address:	**17540 County Road 15**						
Address:							
City:	**Fort Morgan**		**State:**	**CO**	**Zip Code:**	**80701**	
Phone:	[redacted]	**Email:**	[redacted]				
Agent of Property Owner (If Applicable)							
Name:							
Address:							
Address:							
City:			**State:**		**Zip Code:**		
Phone:		**Email:**					
Parcel Number:	**122703002002**						
Legal Description:	**Subd: WALKER MINOR SUB, FM (03-3-58) Lot: 02 S:3 T:3 R: 58 PARC W ½ NW ¼.**						
GPS Coordinates at the Centerline of Driveway:					**Latitude:**	**40.255433**	
					Longitude:	**-103.867658**	
Access onto County Road:	**MCR 15**						
Driveway Type:		**New**	**X**	**Existing**			
Maximum Width of Approved Driveway is:				**40 FEET**			
Culvert Required:	**X**	**No**		**Yes**	***If Yes, Required Size is:***		**Inch**

If a culvert is not required at the time of permit issuance but future conditions deem one necessary, the cost of said culvert may be at the property owner's expense.

The above identified driveway has been approved by Morgan County Road and Bridge Department pursuant to all terms and conditions outlined in the Application for Driveway Access Permit are adhered to. Failure to comply with these term and conditions may result in this permit being revoked and/or the driveway being removed at permittee's expense. This permit is valid only for the one driveway access identified above. Construction of said driveway may proceed.

Morgan County, Colorado
Public Works Department

James Rehr — *Authorized Morgan County Agent Signature*

7-2-24 — Date

Application for Driveway Access Permit
Morgan County, Colorado

Instructions for Completing and Submitting Application

1. Property Owner (Permittee): Please provide the full name, mailing address, telephone number and email address *(if available)* of the legal property owner. The provided telephone number should be one where the Permittee can be reached during business hours Monday through Friday, 8:00 a.m. to 4:00 p.m. MDT.

2. Agent of Permittee: If the applicant *(person or company completing this application)* is different from the legal property owner *(Permittee)*, provide entity name *(if applicable)*, the full name of the person serving as the agent, mailing address, telephone number, and email address *(if available)*. The provided telephone number should be one where the Agent can be reached during business hours Monday through Friday, 8:00 a.m. to 4:00 p.m. MDT. ***Please provide documentation you are an agent of property owner.***

3. Legal Description of property: Provide the legal description to the full extent that applies for the property to be accessed by the requested driveway. Include the Assessor parcel number. This information is available through the County Assessor or Clerk and Recorders office or on your property deed(s).

4. Road Access: Complete the information on the County Road that will be accessed by this proposed driveway.

5. New or Existing Driveway: Complete the information for the driveway type.
   New Driveways:
   - In determining location for the proposed driveway, take into account: line of site distances, relationship to road intersections, and relationship to crests of hills.
   - Please indicate the desired width of the new requested driveway.
   - If possible, provide a map showing the desired location of the proposed driveway.
   - ***The proposed area for the new driveway must be clearly marked with flagged stakes on each side of the proposed area.*** ***Please have the location marked as indicated prior to submitting application.***

6. Initial the bottom of page two (2) in the provided location indicating that you have read and understand the terms and conditions.

7. Signature Section must be signed and dated by the property owner or agent. *Applications will not be processed until they are fully completed, initialed, signed and submitted, along with any additional required documents.*

8. Submittal of Application: Please submit application and all corresponding paperwork to:
   By mail or in person: Morgan County Road and Bridge Department
   P.O. Box 516
   17303 County Road S
   Fort Morgan, CO 80701
   By Email to: rbmorganc@co.morgan.co.us

Application for Driveway Access Permit
Morgan County, Colorado

Terms and Conditions

1. The granting of this permit application is for one (1) property access across the county right of way onto a county road. The access must not exceed the approved width defined on the approved permit. Additional accesses crossing the right of way must be applied for separately.
2. If this access is to be onto an access/travelling easement, then a copy of the easement, recorded plat or use agreement must accompany this application.
3. The granting of a driveway access permit by Morgan County is only for the purpose of crossing the right of way under the counties jurisdiction. It is the permittee's responsibility to identify and obtain permissions to cross any other easements, covenants, right of ways or private agreements that may exist.
4. If the access request is onto any Federal or State lands, you must provide the names and contact information for the relevant agencies and attach a copy of the authorization for the property use.
5. All property owners/agents are responsible for any damages that may occur to the county road or right of way during installation of said driveway.
6. The construction and all costs associated with the construction of the driveway are the responsibility of the property owner/agent. The construction cannot exceed the defined width and must include any specified culverts required as defined in the approved permit. Culverts may be purchased from anywhere, however they must be approved by the county prior to installation. Culverts may also be purchased from Morgan County Road and Bridge.
7. If a culvert is required, it is for use by Morgan County to protect the road and right of way. Morgan County retains the right to utilize the culvert in any way it deems necessary.
8. If a culvert is not required at the time of permit issuance, however, in the future a culvert is deemed necessary, the cost of said culvert may be at the property owner's expense.
9. Inside the county right of way, the driveway may only consist of the travelling surface to access the property. No other structures or appurtenances may be placed in the right of way *(examples: columns, walls, fencing, large rocks, etc.)*. The only exception to this requirement is mailboxes.
10. During the construction of an approved driveway, it is the responsibility of the property owner/agent and/or their contractor to insure safety to the travelling public. This could include the use of signs, cones and/or traffic control as necessary.
11. All repairs, maintenance and costs associated with said driveway are the responsibility of the property owner/agent.
12. Morgan County is not responsible for any damages to the driveway caused by normal maintenance operations, including but not limited to mowing, grading, and snowplowing.
13. The property owner/agent agrees to hold harmless, indemnify, and defend Morgan County from any claim of any person arising from the installation, use, maintenance, or removal of the driveway in the county right of way.
14. The terms, conditions and requirements defined in this application and subsequent approved permit will remain valid through any future sales, transfer of ownership or assignments of the property defined in this driveway application.

DM *Please Initial that you have read and understand the terms and conditions outlined on this page.*

Application for Driveway Access Permit
Morgan County, Colorado

1. **Property Owner** *(Permittee)*:
   Name: DWayne & Diana Malone
   Address: 17540 Cty Rd 15
   City/State/Zip Code: Ft Morgan, CO 80701
   Phon[redacted] Email: [redacted]
2. **Agent of Property Owner** *(If Applicable)*
   Company/Individual Name Same DO
   Contact Name *(If Applicable)* _____
   Address: _____
   City/State/Zip Code: _____
   Phone ( ) _____ Email: _____
3. **Legal Description:**
   A portion of the W1/2 NW1/4 of Section 3 Township 3 North Range 58 West of the 6th Principal Meridian
   Parcel Number: 122703002002
4. **Road Access:**
   Access onto County Road 15 *(Circle Direction)* North / South (East) / West of County Road 15
5. **Driveway Type:** *(Check One)* **New Driveway _____ Existing Driveway X
   Desired width of New Driveway N/A Feet.

****If this is a new driveway location, please place flagged stake marker on each side of the requested driveway location.**

I have read the instructions, terms and conditions outlined in this Driveway Access Permit Application, and agree to all terms and conditions outlined therein, furthermore, I understand no liability is assumed by the County of Morgan, Colorado or its agents by issuance of a permit for this application and all costs, present and future, associated with the access provided by an Approved Driveway Access Permit are the responsibility of the property owner/agent and or any future assignees. The applicant declares the information provided are true and complete to the best of their knowledge.

Dwayne Malone Diana Malone — 6/27/24

Property Owner/Agent Signature — *Date*

Submit Completed Application and All Supporting Documents to:
Morgan County Road and Bridge Department
P.O. Box 516
17303 County Road S
Fort Morgan, CO 80701
Or by Email to: rbmorganc@co.morgan.co.us
Phone: (970) 542-3560 Fax: (970) 542-3569

For Office Use only below this line

Determination: X Approved _____ Denied *(Reason for Denial)*: _____

GPS Coordinates, Centerline of Driveway in relation to road: Latitude: 40.255433

Maximum Width of Driveway: 40 Feet Longitude: -103.867658

Culvert Required: *YES* / (NO) *If Yes,* Size: _____

Closest Intersecting Road SH 34 Measurement from Closest Intersecting Road 469 Feet

Driveway Access Code: DRV15-0.089-E-SH34

Completed By: _____ Date: 7-2-24

June 26, 2024

To: Morgan County Road & Bridge

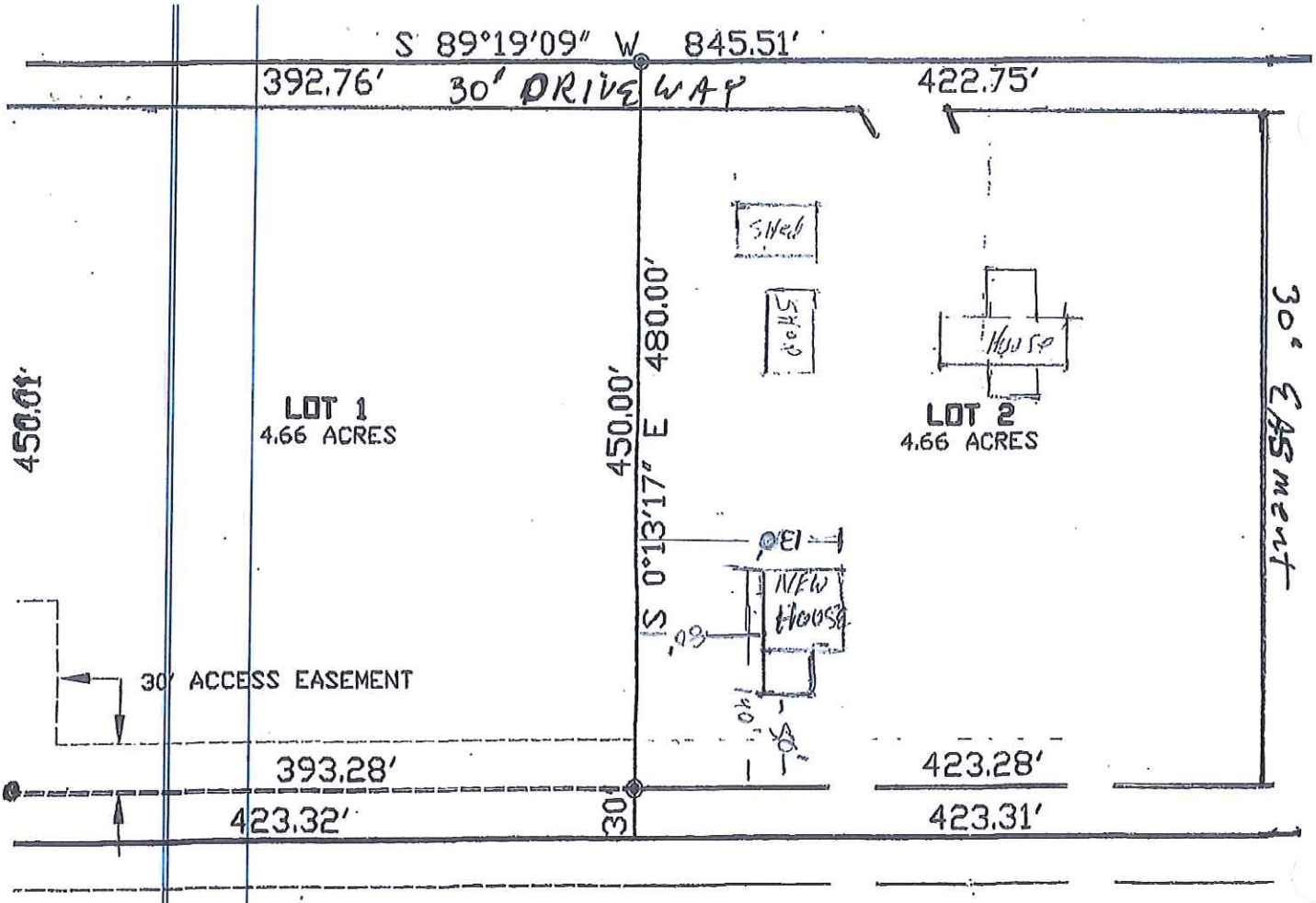
We, Dwayne and Diana Malone, are requesting you email a letter to:

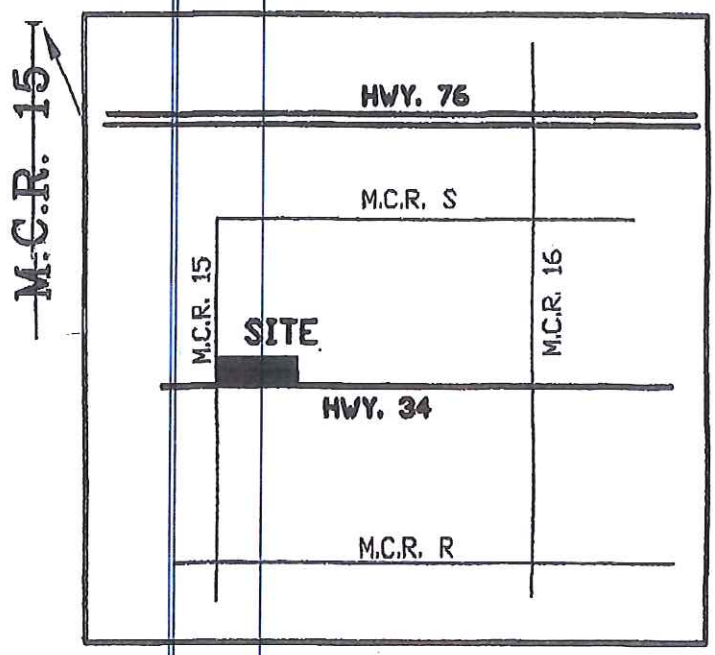
Jenafer Santos
Morgan County Planning & Zoning
jsantos@co.morgan.co.us

indictating you have no conflict with adding a second home at our existing property located at 17540 County Road 15, Fort Morgan, CO. Our existing residence already has an access into our property, and the additional residence will use that same access.

Thank you for your help,

Dwayne & Diana Malone
[redacted](home)
[redacted](Dwayne cell)





VICINITY MAP

T. 3 N.

BASIS OF BEARINGS
BEARINGS AS SHOWN WERE DERI
ON MORGAN COUNTY G.P.S. CONTR

SCALE = 0.999957153

⊕ SECTION CORNER FOUND

◉ CALCULATED POSITION FO
SECTION BREAKDOWN COR

◎ PROPERTY CORNER SET
WITH PLASTIC ID CAP

Morgan County Property Card

Parcel Number:1227-030-02-002 Account Number:R018528

Property

Address

17540 CO RD 15
FORT MORGAN, CO 80701

Physical

Acres: 4.659999847 Land Sq Ft: 737,390
Property Class SINGLE FAMILY - LAND, SINGLE FAMILY - IMPS

Zoning

Planning: C
Assessor: 1112, 1212

Value

	Assessed	Actual
Land:	$6,600	$98,580
Imp:	$42,800	$638,810

Legal Description

Block: Lot: 02
PLSS: 03N 58W 003
Boundary: PARC W1/2NW1/4
Legal: Subd: WALKER MINOR SUB, FM (03-3-58) Lot: 02 S: 03 T: 3 R: 58 PARC W1/2NW1/4

Owner

Name: MALONE, DWAYNE & DIANA
Address: 17540 CO RD 15
FORT MORGAN, CO 80701

District 247

Taxing Authorities

School District: School District RE-3
Water Districts: Northern Colorado Water, Quality Water
Fire Protection District: Fort Morgan Fire
Special Districts:

Voting Districts

House District: 63
Sentate District 1
Congressional District: 4
Commissioner District: 1
Precinct: 3
Town: --

Other

Subdivision: Subd: WALKER MINOR SUB, Neighborhood: SUBD IN TWN 3 RNG Condo:

Sales

Most Recent Sale

Sale Date: 2/16/2006
Sale Price: 60000
Document Type: JOINT TENANCY
Document Number: 833441
Deed Type: PRJT
Grantor: BRISTOL, ARLO E & RUBY A
Grantee: MALONE, DWAYNE & DIANA
Remarks:

ADDITIONAL APPLICATION INFORMATION

Mineral Notification

Tax Account Statement

July 10, 2024

Platte Farms, Inc./ Public Trustee

P.O. Box 718, Greeley, CO 80631

Sent via Certified Mail

Notice to Mineral Rights Owners and/or Lessees:

As required by Colorado State Statute 24-65-.5-103, I am notifying you that I have submitted a Special Use Permit application to the Morgan County Planning and Zoning Department for Malone Residential Home located at:

Address: 17540 County Road 15, Fort Morgan, Colorado 80701

Legal Description: A portion of the W 1/2 NW 1/4 of Section 3 Township 3 North Range 58 West of the 6th Principal Meridian of the 6th P.M., Morgan County, Colorado.

The application will be heard by the Morgan County Planning Commission in a public hearing on August 12, 2024 at 6: P.M. in the assembly room, 231 Ensign Street, Fort Morgan, Colorado. The Planning Commission will review the application and recommend approval or disapproval to the Board of County Commissioners.

Final approval or disapproval of the application will be considered by the Morgan County Commissioners on August 13, 2024 at 9:00 A.M. in the assembly room, 231 Ensign Street, Fort Morgan, Colorado.

Sincerely

7022 0410 0002 2484 8550

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Greeley, CO 80631

OFFICIAL USE

Certified Mail Fee	$4.40
$	$3.65
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$ $0.00
☐ Return Receipt (electronic)	$ $0.00
☐ Certified Mail Restricted Delivery	$ $0.00
☐ Adult Signature Required	$ $0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.68
$	
Total Postage and Fees	$0.75
$	

FORT MORGAN POST OFFICE
FORT MORGAN CO 80701-9998
Postmark Here
JUL 10 2024
07/10/2024

Sent To: Platte Farms, Inc
Street and Apt. No., or PO Box No.: PO Box 718
City, State, ZIP+4®: Greeley, CO 80631

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Morgan County Treasurer

Statement of Taxes Due

Account Number R018528	Parcel 122703002002
Assessed To	MALONE, DWAYNE & DIANA 17540 CO RD 15 FORT MORGAN, CO 80701

Legal Description

Subd: WALKER MINOR SUB, FM (03-3-58) Lot: 02 S: 03 T: 3 R: 58 PARC W1/2NW1/4

Situs Address

17540 CO RD 15

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2023	$2,766.44	$0.00	$0.00	($2,766.44)	$0.00
Total Tax Charge					$0.00
Grand Total Due as of 07/19/2024					**$0.00**

Tax Billed at 2023 Rates for Tax Area 247 - 247 - RE 3

Authority	Mill Levy	Amount
COUNTY GENERAL FUND	19.5530000	$893.95
ROAD AND BRIDGE FUND	7.5000000	$342.90
SOCIAL SERVICES FUND	2.0000000	$91.44
FT MORGAN RURAL FIRE DIST	2.8600000*	$130.76
FT MORGAN PEST CONTROL	0.2690000*	$12.30
MORGAN CO QUALITY WATER	0.8240000	$37.67
NORTHERN COLO WATER CD	1.0000000	$45.72
RE 3 F M GENERAL FD	27.2230000	$1,244.63
RE 3 F M M/L OVRD	1.5800000	$72.24
RE 3 F M BOND RED	8.0890000	$369.83
Taxes Billed 2023	70.8980000	$3,241.44
Senior		($475.00)
Net Taxes Billed for 2023		$2,766.44

* Credit Levy

Values	Actual	Assessed
SINGLE FAMILY - LAND	$91,230	$6,110
SINGLE FAMILY - IMPS	$591,160	$39,610
Total	$682,390	$45,720

**********TAX LIEN SALE REDEMPTIONS MUST BE PAID BY CASH OR CASHIER'S CHECK**********

Special taxing districts and the boundaries of such districts may be on file with the County Commissioners, County Clerk, or County Assessor. Unless specifically mentioned, this statement does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or manufactured homes.

ROBERT A SAGEL, MORGAN COUNTY TREASURER
231 Ensign St, PO Box 593, Fort Morgan, CO 80701
Phone: 970-542-3518, Email: esale@co.morgan.co.us
Website: morgancounty.colorado.gov

LANDOWNER LETTERS, REFERRALS & RESPONSES

Landowner Letter Sent & Responses Received

Referral Sent & Responses Received

Notification

Sign Posting Pictures & Affidavit

MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT

July 19, 2024

Dear Neighboring Landowners:

Dwayne and Diana Malone as applicants and landowners have submitted an application to our office for a Special Use Permit to construct a second single-family dwelling in a commercial zone.

Legal Description: Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.

This application is scheduled to be heard by the Planning Commission on **Monday, August 12, 2024 at 6:00 P.M.** and the Board of County Commissioners on **Tuesday, August 13, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within ¼ mile of the subject property are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearings and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **August 2, 2024.**

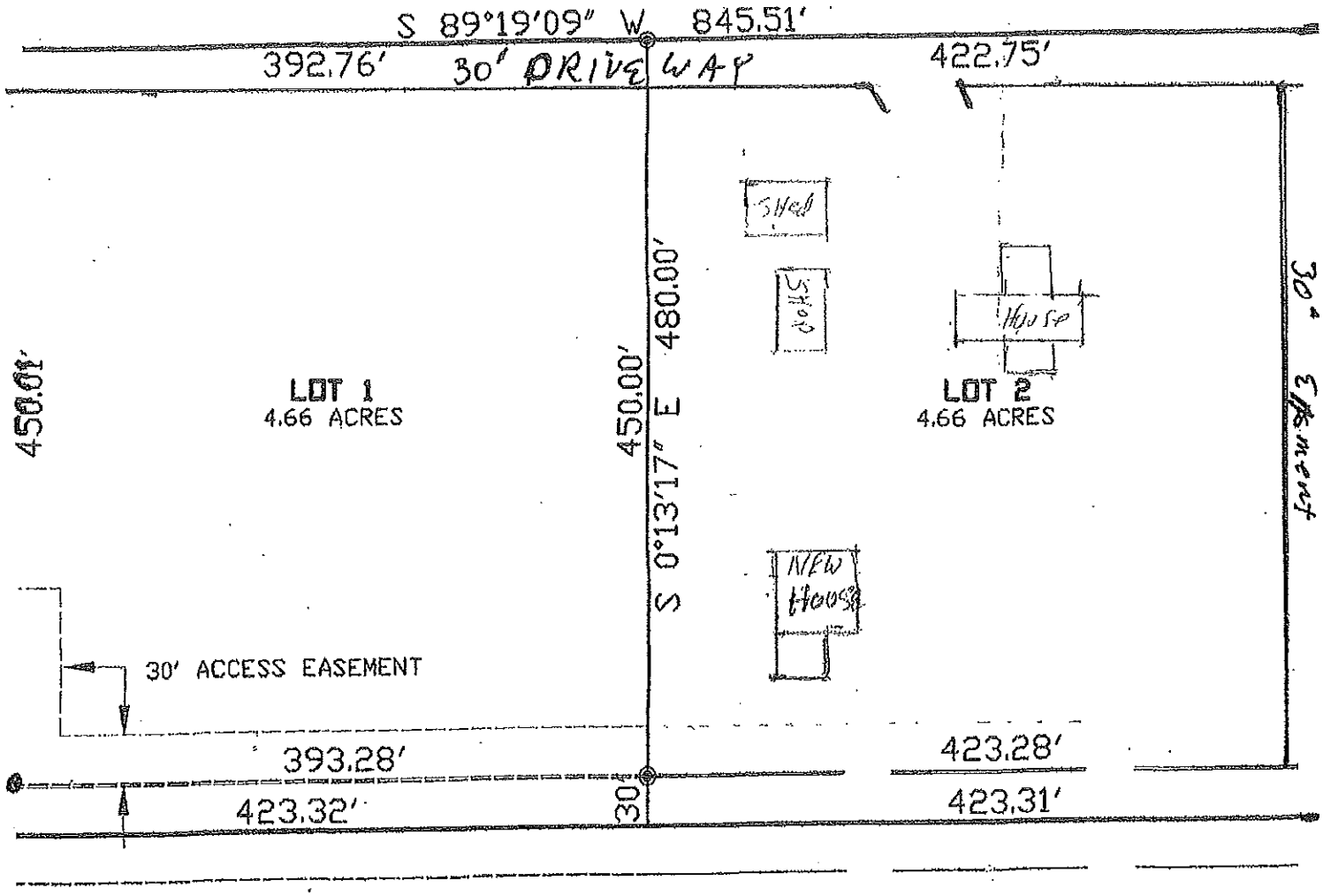
Sincerely,

Nicole Hay

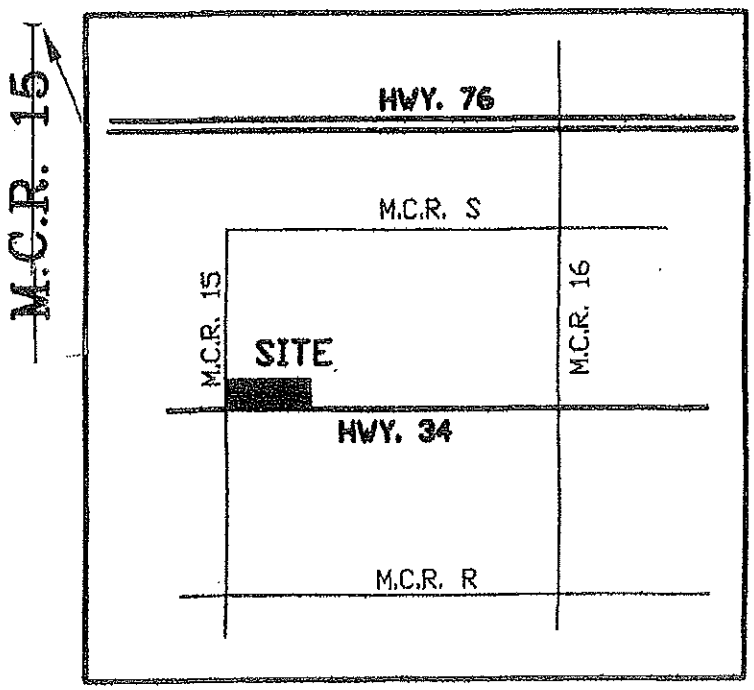
Nicole Hay
Planning Administrator

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations

Morgan County Government ~ 231 Ensign St ~ PO Box 596 ~ Fort Morgan, CO 80701
Telephone (970) 542-3526 ~ nhay@co.morgan.co.us



POSITION EST. FROM FND. R.M.'s FOR SW CORNER



VICINITY MAP

T. 3 N.

BASIS OF BEARINGS
BEARINGS AS SHOWN WERE DERI
ON MORGAN COUNTY G.P.S. CONTR

SCALE = 0.999957153

SECTION CORNER FOUND

CALCULATED POSITION FO
SECTION BREAKDOWN COR

PROPERTY CORNER SET
WITH PLASTIC ID CAP

MALONE, DWAYNE & DIANA
17540 CO RD 15
FORT MORGAN, CO 80701

BASELINE FARMS LLC
5821 WELD CO RD 54E
BELLVUE, CO 80512

BRISTOL, ARLO E & RUBY A
15173 HWY 34
FORT MORGAN, CO 80701

FELDPAUSCH, CHARLES & NORA
34600 CO RD 31
GREELEY, CO 80631

NATIONS RENTALS LLC
15337 HWY 34
FORT MORGAN, CO 80701

CHALK, DOUGLAS J & KAREN S
15828 HWY 34
FORT MORGAN, CO 80701

DODGE, TAMMIE REEVES
430 S LAKE ST
FORT MORGAN, CO 80701

ROBERTSON, KEITH A TRUST
15285 HWY 34
FORT MORGAN, CO 80701

PICKENS, WALLACE D & BONNIE J
922 VICKIE ST
FORT MORGAN, CO 80701

EXTREME MAX PROPERTIES LLC
15447 HWY 34
FORT MORGAN, CO 80701

OROZCO, ABDON I
P O BOX 8591
ANAHEIM, CA 92812

MELENDEZ, ALCIDES S MOLINA &
YANES, HILDA
15454 HWY 34
FORT MORGAN, CO 80701

JOHNSON, ZA W & KAY M
14973 HWY 34
FORT MORGAN, CO 80701

SILZ, HEINZ O & CHERYL
15785 W 63RD AVE
GOLDEN, CO 80403

NORRIS, VERA L
17611 CO RD 15
FORT MORGAN, CO 80701

HISHINUMA, TIMOTHY T
17701 CO RD 15
FORT MORGAN, CO 80701

MCKIE, JAMES M JR & BETTY JO
17824 CO RD 15
FORT MORGAN, CO 80701

HEADLEY, JACQUELYN
17792 CO RD 15 - LT 1
FORT MORGAN, CO 80701

WULF, MATTHEW D & TIFFINY J
17792 CO RD 15
FORT MORGAN, CO 80701

DELGADILLO, RAUL E
17696 CO RD 15
FORT MORGAN, CO 807018316

BRISTOL, JOSHUA DUANE & ASHLEY NICHOLE
17594 CO RD 15
FORT MORGAN, CO 80701

SANCTUARY OF MORGAN COUNTY
14587 HWY 34
FORT MORGAN, CO 80701

IGLESIA DE CRISTO NUEVO AMANECER
16795 HWY 144
LOG LANE VILLAGE, CO 80705

REFERRAL AGENCIES	RESPONSES RECEIVED
Century Link	
CDOT	**Email response received from Allyson at CDOT on 7/23/2024** Hi Cheryl, Can you please confirm, is the application for a new home accessing entirety off of CR 15? No new access is proposed from the highway? And no existing access from the highway to the site exists? Thanks, Ally -- Thank you, **Allyson Young** **Region 4** **Access Manager – Traffic** **Email response - Cheryl Brindisi to CDOT on 7/23/2024** The only access that they will be utilizing is off of CO RD 15 for an additional home. No access exists off of Highway 34 and none is proposed. **Cheryl Brindisi, Planning and Zoning Administrative Assistant** ***Morgan County Planning and Zoning*** **Email response received from Allyson at CDOT on 7/24/2024** Cheryl, In that case, CDOT has no comment and nothing is required by CDOT at this time. Thank you, Ally
Colorado Parks & Wildlife	
Fort Morgan Fire Department	
Morgan County Assessor	
Morgan County Communications Center	
Morgan County Emergency Mgmt.	
Morgan County Quality Water	
Morgan County Road & Bridge	
Morgan County Rural Electric Assoc.	
Morgan County Sheriff	
Morgan County Weed & Pest Advisory	
Morgan Soil Conservation District	
Northeast Colorado Health Department	

MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT

TO REFERRAL AGENCIES:

CDOT	Morgan County Quality Water
Century Link	Morgan County Road & Bridge
Colorado Parks and Wildlife	Morgan County Rural Electric Assoc.
Morgan County Assessor	Morgan County Sheriff
Morgan County Communications Center	Morgan County Weed & Pest Advisory
Morgan County Emergency Mgmt.	Morgan Soil Conservation District
Morgan County Fire District	Northeast Colorado Health Department

FROM: Cheryl Brindisi, Morgan County Planning & Zoning Administrative Assistant
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us
DATE: July 19, 2024
RE: Land Use Application–Special Use Permit

The following Special Use Permit application is submitted to you for review and comments. The application is scheduled to be heard by the Planning Commission on **Monday, August 12, 2024 at 6:00 p.m**. and the Board of County Commissioners on **Tuesday, August 13, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administrative Building, 231 Ensign Street, Fort Morgan, CO 80701 (Basement level; use elevator entrance in SW corner). **You are encouraged to provide comments to this application by August 2, 2024.** Failure to comment will be viewed as a favorable review. Please contact the Planning and Zoning Department if you would like to attend these public meetings.

Applicants and Landowners: Dwayne and Diana Malone
Legal Description: Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.
Request: Special Use Permit to construct a second single-family dwelling in a commercial zone.

Sincerely,

Cheryl Brindisi,

Morgan County Planning & Zoning Administrative Assistant

NOTIFICATION

NOTICE OF PUBLIC HEARING
MORGAN COUNTY PLANNING COMMISSION
AUGUST 12, 2024 AT 6:00 P.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Planning Commission will conduct public hearings on the following proposed **Land Use Application and Amendments to the Morgan County Zoning Regulations:**

1.) **Applicants and Landowners:** Dwayne and Diana Malone
Legal Description: Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.
Request: Special Use Permit to construct a second single-family dwelling in a commercial zone.
Date of Application: June 20, 2024

2.) **Zoning Amendments:** Amendments relating to regulation of natural medicine facilities – including natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities.

3.) **Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:
https://us02web.zoom.us/j/89686040693
Or Telephone:
Dial:
+1 719 359 4580 US
Webinar ID: 896 8604 0693

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents will also be available on the Morgan County Website https://morgancounty.colorado.gov

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application and zoning amendments.

Nicole Hay
Nicole Hay
Morgan County Planning Administrator

Published: July 24, 2024

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

NOTICE OF PUBLIC HEARING
MORGAN COUNTY PLANNING COMMISSION
AUGUST 12, 2024 AT 6:00 P.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Planning Commission will conduct public hearings on the following proposed Land Use Application and Amendments to the Morgan County Zoning Regulations:

1.) Applicants and Landowners: Dwayne and Diana Malone
Legal Description: Lot 2, Walker Minor Subdivision in the W½NW¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.
Request: Special Use Permit to construct a second single-family dwelling in a commercial zone.
Date of Application: June 20, 2024

2.) Zoning Amendments: Amendments relating to regulation of natural medicine facilities – including natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities.

3.) Zoning Amendments: Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:
https://us02web.zoom.us/j/89686040693
Or Telephone:
Dial:
+1 719 359 4580 US
Webinar ID: 896 8604 0693

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents will also be available on the Morgan County Website https://morgancounty.colorado.gov

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application and zoning amendments.

/s/Nicole Hay
Nicole Hay
Morgan County Planning Administrator

Published: July 24, 2024

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

Published: Fort Morgan Times July 24, 2024-2065600

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Jul 24, 2024

Melissa Najera
Signature

Subscribed and sworn to me before me this 24th day of July, 2024.

Shayla Najera
Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account:	1052763
Ad Number:	2065600
Fee:	$61.64

1.4


NOTICE OF PUBLIC HEARING ON LAND USE
APPLICATION BEFORE THE PLANNING COMMISSION
Applicant & Landowners: Dwayne and Diana Malone
Reason: Use by Special Review to construct a second single-family dwelling in a commercial zone.
Location of Hearing: 231 Ensign Street,
Fort Morgan, CO 80701
Date of Hearing: Monday, August 12, 2024 at 6:00PM
NOTICE OF PUBLIC HEARING ON LAND USE
APPLICATION BEFORE THE
BOARD OF COUNTY COMMISSIONERS
Applicant & Landowners: Dwayne and Diana Malone
Reason: Use by Special Review to construct a second single-family dwelling in a commercial zone.
Location of Hearing: 231 Ensign Street,
Fort Morgan, CO 80701
Date of Hearing: Tuesday, August 13, 2024 at 9:00 AM


PC Sign

The above sign was posted on (date) 7|31|2024, pursuant to the Morgan County Zoning Resolution by (name of applicant) Dianamalone.

Project name and number: SU2024-0005

Signature of Applicant/Representative: Diana Malone

STATE OF COLORADO)
) ss.
COUNTY OF MORGAN)

JENAFER SANTOS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194036716
MY COMMISSION EXPIRES 10/03/2027

Signed before me this date: 7|31|2024

My Commission expires: 10|03|2027

NOTARIZED BY: Jenafer Santos

| PLANNING COMMISSION 6:00 P.M. | AUGUST 12, 2024 |
AMDENDMENTS TO THE MORGAN COUNTY ZONING REGULATIONS

TABLE OF CONTENTS

NATURAL MEDICINE

AMENDMENT SUMMARY

MORGAN COUNTY PLANNING COMMISSION
AMENDMENT SUMMARY-NATURAL MEDICINE
August 12, 2024

AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS

Natural Medicine Health Act of 2022 - Prop 122 was voter approved in November of 2022 which legalized the use and possession of "natural medicines". Since this law affects the County's zoning regulations, amendments relating to regulation of natural medicine facilities – including natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, and natural medicine testing facilities need to be considered and approved.

The creation and licensing of certain healing centers, defined as State-licensed facilities with licensed "facilitators" organized to provide natural medicine as part of administrative sessions. Retail purchase of natural medicine at health centers is not permitted. The County may not ban or completely prohibit the establishment or operation of licensed natural medicine businesses within its boundaries or the practice by a licensed facilitator. However, the County may impose certain time, place and manner restrictions on operation of these licensed businesses. This means the County can require healing centers to be located within certain zoning areas and may require evidence of State licensure prior to the operation of a healing center.

Planning Commission held work sessions on these amendments on June 10, 2024 and July 8, 2024.

Overview of proposed changes:

1. Definitions. Addition of definitions for natural medicine, natural medicine business, and natural medicine services.

2. Natural Medicine Business. Will be allowed in the Light Industrial (LI) zone as a Special Review use only. They will be prohibited in all other zones.

3. Addition Regulations. Included with the draft are a couple proposed submittal requirements (in addition to what would be required under the SUP) and several additional regulations. These regulations are typically of the regulation of marijuana related businesses and they have been included for your consideration.

Nicole Hay
Morgan County Planning Director

PROPOSED ZONING REGULATION AMENDMENTS

LIGHT INDUSTRIAL ZONE (LI)

3-345 Light Industrial Zone Special Review Uses
New Section (S)

(S) Natural Medicine Business

NATURAL MEDICINE

4-755 Definitions

(A) Natural medicine means the following substances: (1) psilocybin; or (2) psilocin. Natural medicine does not mean a synthetic or synthetic analog of these substances including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthesis, chemical modification, or chemical conversion.

(B) Natural medicine business means any of the following entities licensed pursuant to the Colorado Natural Medicine Code and as defined under state law: a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility.

(C) Natural medicine services mean a preparation session, administration session, and integration session provided pursuant to Title 12, Article 170, C.R.S.

(D) Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Colorado Natural Medicine Code.

4-757 Natural Medicine Regulations

A. Natural medicine businesses may be located only in the LI zone; they are prohibited in all other zones.

B. In addition to the submittal requirements in Section 2-440, the following items shall be submitted with the application for a special use permit for a natural medicine business:

1. The applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises.

2. A site map that shows the location of any existing child care center; preschool; elementary, middle, junior, or high school; or a residential child care facility within one thousand five hundred (1,500) feet of the building proposed to be the licensed premises for the natural medicine services.

3. Plans to comply with the requirements in subsections C through I below.

B. Restrictions on new permits

1. No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of a child care center; preschool; elementary, middle, junior, or high school; or a residential child care facility. The provisions of this section only apply to application for a new special use permit. These distance restrictions do not apply to licensed premises located or to be located on land owned by a municipality or apply to a license in effect and actively doing business before the school or facility was constructed.

2. The distances established in this subsection must be computed by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the building in which natural medicine services are provided, using a route of direct pedestrian access.

C. Hours of operation – natural medicine services.

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

D. Public view of natural medicine businesses.

All doorways, windows and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities of natural medicine businesses shall occur indoors.

E. Lighting of natural medicine businesses.

Primary entrances, parking lots and exterior walkways must be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees.

F. Storage of natural medicine businesses.

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

G. Odor from natural medicine businesses.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

H. Natural medicine businesses secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

I. Processing of natural medicine.

1. The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

2. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

3. The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

J. Nuisance

It is unlawful to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any road, street, alley or public place.

ADDITIONAL INFORMATION

transportation of natural medicine through its jurisdiction on public roads by a licensee, or otherwise criminalize such transfer. C.R.S. §§ 12-170-107(4) & 12-170-109.

While this area of law is largely preempted by State law, there are certain areas where the County may provide *less* restrictive regulations related to natural medicine. For instance, under State law, an individual may not cultivate natural medicine on private property that exceeds 12x12 foot space, *unless* the County provides for a larger area. C.R.S. § 18-18-434(3)(a). This would require the County to pass local legislation to provide for a larger grow area. However, outside of these narrow areas of regulation, the County may not pass legislation that unreasonably conflicts with the Act. The County is also prohibited from adopting or enforcing any greater criminal or civil penalty than provided for in the Act.

Taken together, under the Act, the County is largely preempted by State law and may not prohibit the use, possession and nonmonetary distribution of natural medicine within its jurisdiction. Under State law, the use and cultivation of natural medicine is subject to certain restrictions, requiring, for instance, that an individual cultivate natural medicine within an enclosed, locked space; that the natural medicine is only grown for personal, rather than commercial use; and that the individuals possessing or growing the natural medicine are 21 years old or older. Any penalty imposed related to natural medicine must not conflict with the Act or provide a penalty that is more stringent than what is provided in the Act. Therefore, in terms of regulation of the use, possession and distribution of natural medicine, the County is generally limited to providing less stringent penalties for violations of the Act and otherwise providing a less restrictive area to grow natural medicines. Otherwise, State law generally preempts the County in this area.

Healing Centers

The Act provides for the creation of certain "healing centers," defined as State-licensed facilities with licensed "facilitators" organized to provide natural medicine as part of administrative sessions. State regulations related to licensing requirements will be finalized prior to the end of 2024. Unlike similar laws related to marijuana in the State, a municipality may not opt out of permitting healing centers or facilitators from operating within the jurisdiction. The County may not ban or completely prohibit the establishment or operation of licensed healing centers within its boundaries or practice by a licensed facilitator. C.R.S. §§ 12-170-107(2) & 12-170-107(3).

However, while healing centers are largely regulated by the State, the County is limited to regulation of the "time, place and manner" for healing centers. C.R.S. § 12-170-107(1). Time, place and manner restrictions typically mean that the County may dictate where, when and in what manner a healing center operates as long as it does not conflict with the Act. The regulation of facilitators and licensing of healing centers are regulated by the State, however, the County may designate the particular zoning areas where healing centers operate and may require that a healing center comply with all state laws and regulations and provide evidence of licensure.

However, to be clear, in imposing time, place and manner restrictions, the County's regulation must not have the *effect* of prohibiting the operation of these healing centers. In other words, if the County requires all healing centers to be located in an area where a healing center could not operate or build, this action could be found to be in violation of the Act.

Conclusion

In sum, the County is largely preempted by State law from imposing more stringent restrictions on the use, possession and distribution of natural medicine. In this area, the County is limited to imposing less stringent restrictions for violations of the Act. This means that the County must allow the use, possession and (nonmonetary) distribution of natural medicine within its jurisdiction. The County is also required to allow for the operation of healing centers and the use of natural medicine by facilitators. However, the County may impose certain time, place and manner restrictions on operation of these healing centers. In practice, this means that the County can require healing centers to be located within certain zoning areas and may require evidence of licensure with the State before allowing the operation of a healing center within its jurisdiction. It is important to note, however, that the licensing of facilitators and healing centers will be entirely subject to State regulations and the County should avoid imposing additional licensing requirements.

As always, please let us know if you have any questions or need additional information.

SUMMARY OF SB23-290

DEPARTMENT OF REVENUE

COLORADO
Department of Revenue

SB23-290 Natural Medicine Regulation & Legalization

***NOTICE**: This document reflects a summary and outline of SB23-290 prepared by the Department of Revenue and is for informational purposes only. The content herein should not be relied upon or construed as legal advice and does not represent the interpretation of any other agency.*

I. BACKGROUND - PROPOSITION 122

A. In November 2022 Colorado voted to pass Proposition 122, the Natural Medicine Health Act, which (a) directed the establishment of a regulatory program for access to natural medicine; and (b) decriminalized personal use for adults

B. Assigned the Department of Regulatory Agencies (DORA) with all regulatory responsibilities, including establishment of the Natural Medicine Advisory Board

II. SB23-290 REGULATORY PROGRAM

A. **DORA** maintains the role of licensing and regulating Facilitators (persons licensed to provide natural medicine and related services). SB290 also maintained and added the following duties for DORA:

1. Natural Medicine Advisory Board
2. Federally Recognized Tribes & Indigenous Community Work Group
3. Annual Reporting (in coordination with DOR)

B. **The Department of Revenue (DOR)** is responsible for licensing and regulating healing centers, cultivations, manufacturers, and testing facilities under a new Natural Medicine Division and assigned the following duties to DOR:

1. Testing and certification program (in coordination with CDPHE)
2. Data collection (**LE incidents, adverse health events, healthcare system impacts, consumer protection claims, behavioral health impacts**)
3. Public education campaigns
4. Training materials for first and multi-responders
5. Annual Reporting (in coordination with DORA)

C. **Natural Medicine** defined to include only Psilocybin & Psilocyn initially

III. SB23-290 PERSONAL USE PROVISIONS

A. **Natural Medicine** defined to include Psilocybin, Psilocyn, Ibogaine, Mescaline, and Dimethyltryptamine (DMT)

B. **Personal Cultivation**: Not more than 12x12 feet (can be non-contiguous) on Private Property (defined) in enclosed & locked space

1. Local authority to exceed the space limit

C. **Personal Possession & Use**: No personal possession limit

1. May share with an adult (21+) in context of counseling, spiritual guidance, community-based use, supported use, or related services
2. No Remuneration (except allowed for bona fide harm reduction or support services used concurrently with sharing, subject to the following:
   a) No advertisement related to sharing or services
   b) Person sharing must inform if not a licensed Facilitator
3. No manufacturing with Inherently Dangerous Substances (defined)
4. No open and public display or consumption
5. Personal testing by unlicensed labs allowed, subject to requirements
6. Establishes offenses for violations

SB23-290 NATURAL MEDICINE REGULATION & LEGALIZATION

Detailed Bill Outline

IV. **Department of Regulatory Agencies (DORA) - Title 12**
- A. Definitions
- B. Powers & Duties - Rulemaking Authority
- C. Natural Medicine Board - Members & Duties
- D. American Tribes & Indigenous Community Working Group
- E. Facilitator Licensing - Requirements & Restrictions
- F. Grounds for Discipline & Proceedings
- G. Local Jurisdiction / Preemption
- H. Protections

V. **Department of Public Health & Environment (CDPHE) - Title 25**
- A. Rulemaking - Testing & Certification

VI. **Department of Revenue (DOR) - Title 44**
- A. Definitions
- B. Application Procedures
- C. Protections - Employer, Schools, Hospitals, Detention Facilities
- D. Local Jurisdiction Authority & Limitations
- E. State Licensing Authority - Powers & Duties
    1. Licensing & Enforcement
    2. Reporting, Data Collection, Public Education, Training
- F. Rulemaking - Mandatory & Permissive
- G. Confidentiality
- H. Application & Distance Restrictions
- I. Classes of Licenses (Additional Rulemaking)
- J. Protections

VII. **Code of Criminal Procedure - Title 16 / Criminal Code - Title 18**
- A. Class 1 & Class 2 Public Nuisance
- B. Offenses
- C. New Personal Use Provisions

VIII. **Other - Additional Provisions**
- A. Prohibiting Discrimination for Health Benefit Plan Coverage
- B. Division of Adult Parole, State Board Parole, Conditions of Probation
- C. Juvenile Court Jurisdiction
- D. Child Neglect
- E. Sealing of Criminal Conviction Records
- F. Public Assistance Considerations
- G. Organ Transplants
- H. Farm Products - Defined (exclusion)
- I. Income Tax & Net Income of Corporation

Natural Medicine Regulation & Legalization

SB23-290

Summary Based on - 4.24.23 Version of Bill

Department of Regulatory Agencies (DORA)

DORA Natural Medicine Health Act Homepage

SECTION 1	12-170-102. Legislative Declaration.

Declares intent and directs state agencies to honor and respect federally recognized tribes and indigenous people in order to prevent natural medicine being overly commodified / commercialized / misappropriated / exploited. Directs agencies to consider potential for direct and indirect harm.

SECTION 2	12-170-103. Applicability of Common Provisions.

Applies Title 12, Art. 1 (General Provisions) & Art. 20 (Div. of Professions & Occupations) to Article 170.

SECTION 3	12-170-104. Definitions. (P. 3-6)

Defines: Administration Session; Board; Director; Division; Facilitation; Facilitator; Federally Recognized American Tribe; Healing Center; Health-Care Facility; Integration Session; Local Jurisdiction; Natural Medicine; Natural Medicine Product; Natural Medicine Services; Participant; Preparation Session; Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority.

Summary Definition - Natural Medicine:

(12)(a) (I) **Psilocybin**; or (II) **Psilocyn**
(12)(b)(II) **Ibogaine** (if recommended by the Board & agency approved);
(12)(b) ON OR AFTER JUNE 2026 (if recommended by the Board & agency approved):
(I) **Dimethyltryptamine** (DMT)
(III) **Mescaline** [does NOT include Peyote, meaning all parts of the plant classified botanically as Lophophora Williamsii Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts]

(12)(c): Natural Medicine **DOES NOT MEAN** a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.

SECTION 4	12-170-105. DORA - Director Powers & Duties - Rules (P. 6-10)

(1)(a)(I) Rules for safe provision of regulated natural medicine and services, including:

(A) Parameters for a preparation, administration, and integration session;
(B) Health and safety warnings required before each session;
(C) Educational materials that must be provided before each session;
(D) A form a participant, facilitator, and authorized representative of the Healing Center must sign (establishes minimum requirements regarding health information, drug contraindications, participant expectations, parameters for physical contact, and risks of participation);
(E) Proper supervision during the administration session and requirements for a discharge plan or safe transportation;

(F) Provisions for group administration sessions;
(G) Provisions to refuse services based on health and safety risks;
(H) Dosage limits for administration sessions.

(1)(a)(II) Requirements for Facilitator licensing, practice and professional conduct, including:

(A) Form and procedures for license applications;
(B) Educational and experiential requirements and qualifications (including education and training on participant safety, drug interactions, contraindications, mental health and state, physical health and state, social and cultural considerations, preparation, administration, integration, and ethics). Must not require a separate professional license or degree (unless multiple tiers)
(C) Oversight/supervision requirements, including continuing education
(D) Professional standards of conduct
(E) Parameters for physical contact, including informed consent for physical contact
(F) Permitting remuneration for provision of natural medicine services
(G) Group administration sessions and participant limits
(H) Record-keeping, privacy, confidentiality (and exemptions)
(I) Parameters for permissible and prohibited financial interests in a license
Financial Interest Restriction: A **Facilitator** cannot have a financial interest in more than five (5) NM business licenses.
(J) Parameters for other authorized locations, including a health-care facility or private residence.
(K) Standards for advertising and marketing, including to avoid misappropriation and exploitation of tribes and indigenous people, avoiding excessive commercialization, and targeting underage.

(1)(a)(III)-(V) Other Rules:

(III) Rules necessary to differentiate between types of regulated natural medicine provided during an administration session based on qualities, traditional uses, and safety profile
(IV)-(V) Other matters determined necessary to implement/administer

SECTION 4 (Continued)	**12-170-105. DORA - Director Powers & Duties (P. 10-12)**

(1)(b)-(k) DORA Duties Include:

(1)(b) December 31, 2024 - DORA begins accepting applications/granting licenses
Prioritization of Applications: Shall prioritize review of applications from CO residents
(c) Establish licenses, registrations, etc.
(d) Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the Director may consult the Board)
(e) Conduct investigations and hearings, gather evidence, and pursue disciplinary actions
(f) Take disciplinary action or limit scope of practice upon proof of violation
(g) Cease-and-desist orders pursuant to Section 405
(h) Petition a district court for an investigative subpoena or injunction under certain circumstances
(i) Maintain an **ONLINE PUBLIC LIST** of licensees, registrants, etc, including whether the person had its credentials limited, suspended, or revoked
(j) Publish an **ANNUAL REPORT** on the implementation/administration (in coordination with DOR)
(k) Perform other functions and duties necessary to administer

Other Requirements & Limitations:

(2) Director shall consult the Board when considering/promulgating rules
(3) Authority to collect available and relevant data
(4) Regulators prohibited from pecuniary gain from licensees for 6 months after employment

SECTION 5	12-170-106. DORA - Natural Medicine Advisory Board

Creates Natural Medicine Advisory Board (2 and 4 year terms), Pg. 13

At expiration of term, the Governor shall appoint members, without consent of the Senate (4 year term). May serve up to 2 consecutive terms. Can be removed for misconduct, incompetence, neglect of duty, unprofessional conduct.

Board Recommendation Subjects, Pg. 14-15:

- Accurate public health approaches regarding use, benefits, harms, and risk reduction
- Content and scope of educational campaigns
- Research related to the efficacy and regulation, including product safety, harm reduction, and cultural responsibility
- Facilitator Requirements - Proper content of training programs, educational and experiential requirements, and qualifications. When making recommendations, the Board may consider: (I) Tiered facilitator licensing; (II) Limited waivers of education and training requirements based on experience, training, skills; (III) Removal of unreasonable or logistical barriers
- Affordable, equitable, ethical, and culturally responsible access to NM (may consider recommendations on ways to reduce costs of licensure, incentives for reduced costs for services, and incentives for services in geographic and culturally diverse regions)
- Regulatory considerations for each type of NM and each type of session
- Addition of other types of NM, based on medical, psychological, and scientific studies, research, and other information related to safety and efficacy - Shall prioritize consideration of Ibogaine
- All rules to be promulgated by DORA & DOR
- Requirements for accurate and complete data collection, reporting, and publication

Other Board Duties, Pg. 15:

- Shall, on an ongoing basis:
  - Review and evaluate existing and current research, studies, and real-world data related to NM and make recommendations to the GA and agencies regarding coverage under health first Colorado or other insurance programs for various mental health conditions
  - Review and evaluate sustainability issues and impacts on tribal and indigenous cultures and documenting existing reciprocity efforts and continuing support measures needed
- Board shall publish an **ANNUAL REPORT** describing activities

SECTION 6	12-170-107. American Tribes & Indigenous Working Group (P. 16)

Federally Recognized American Tribes & Indigenous Community Working Group

- To avoid misappropriation, exploitation, excessive commercialization, conservation issues (including potential for further depletion of peyote due to it being a source of mescaline), best practices, and open communication to avoid unnecessary burdens.
- Shall advise the Board and DORA on findings and recommendations
- Encourages DORA To engage with those who have significant experience with traditional use

SECTION 7	12-170-108. License - Unauthorized Practice - Disclosures (P. 17)

Facilitator License Requirements & Restrictions

- Shall not engage in Facilitation or represent self as a Facilitator without a license
- Shall conspicuously display license in Healing Center, including info on how to file a complaint
- Shall provide specific information in writing prior to each session (P. 18)
  - Name, address, and phone # of the licensee;
  - Explanation of regulations applicable to the licensee;
  - Listing of training, educational and experiential requirements and qualifications satisfied

to obtain a license
    - Statement indicating the participant is entitled to receive information about services, may terminate services and may terminate informed consent for physical contact at any time
- Nothing prohibits a person from performing a bona fide religious, culturally traditional, or spiritual ceremony, but must inform that they are not a licensed facilitator and so long as the ceremony is not associated with commercial, business, or for-profit activity

SECTION 8	12-170-109. Grounds for Discipline (P. 19)

DORA Permissive Authority to Take Disciplinary or Other Action Upon Proof of Following:

- Violation of this Article 170 or rules, Article 20, or any valid order of DORA
- Convicted of or entered plea of nolo contendere to a felony
- Misstatement of an application or fraud, deception, or misrepresentation
- Act or omission necessary to meet generally accepted professional standards of conduct
- Excessive or habitual use or abuse of alcohol or controlled substances
- Guilty of unprofessional or dishonest conduct
- Advertising by means of false or deceptive statement
- Failure to display license as required
- Guilty of willful misrepresentation
- Failure to disclose within 45 days a conviction for a felony or any crime related to practice
- Aids/abets unlicensed practice of facilitation
- Fails to timely respond to a complaint end by the Director (DORA) pursuant to 12-170-110

SECTION 9	12-170-110. Disciplinary Proceedings (P. 20)

Establishes bases and process for disciplinary proceedings, including hearings and judicial review

SECTION 10	12-170-111. Fees - Cash Fund (P. 21)

Establishes a cash fund. Shall set and adjust fees so revenue approximates the direct and indirect costs of the program. Fees shall not exceed the amount necessary to administer the Article.

SECTIONS 11 & 14	12-170-112 & 115. Local Jurisdiction (P.21) / Preemption (P.23)

Consistent with Prop 122, local governments cannot prohibit Facilitation of NM Services and can not adopt ordinances/regulations that are unreasonable or in conflict with Article 170.

SECTION 12	12-170-113. Protections (P. 22)

Protections Include:

(1)(a) Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets.
(b) Contracts enforceable (federal prohibition does not render a contract unenforceable)
(c) Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM.
(d) Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee.
(2) Professional or occupational license not subject to professional discipline on the basis of federal prohibition, but this does not authorize conduct that violates standards of care or scope of practice.

SECTIONS 13-16	12-170-114 - 12-170-117. Construction & Repeal (P. 23)

- **Section 13. 12-170-114. Liberal Construction** - Article 170 must be liberally construed
- **Section 15. 12-170-116. Self-Executing, Severability, Conflicting Provisions** - Provisions are self-executing except as specified and supersede conflicting state and local provisions
- **Section 16. 12-170-117. Repeal & Review** - Article 170 subject to review prior to repeal 9/1/2032

SECTION 17	12-20-407. Unauthorized Practice

Class 2 Misdemeanor if a person practices or offers or attempts to practice/engage in Facilitation

Department of Revenue (DOR) - DOR Website
&
Department of Public Health & Environment (CDPHE) - CDPHE Website

SECTION 18	24-1-117. Department of Revenue - New Division (P. 24)

Creates the DOR Natural Medicine Division, a type 2 entity (as defined in 24-1-105)

SECTION 19	24-34-104. Review for Repeal or Continuation (P. 25)

September 1, 2032 - Scheduled repeal of Article 170 of Title 12 and Article 50 of Title 44

SECTION 20	25-1.5-120. CDPHE - Testing and Standards - Rules (P. 25)

CDPHE authority to establish (in coordination with DOR) rules for testing and certification. 44-50-203 also gives permissive authority for DOR to allow for personal use testing.

Minimum testing rules must include:

- Testing standards and certification requirements
- Independent testing and certification program within a timeline established by the DOR, to ensure products do not contain contaminants injurious to health and ensure correct labeling
- Quarantine and notification procedures if results indicate substances deemed injurious;
- Ensure testing verifies concentration representations and homogeneity for labeling;
- Acceptable variance for concentration and procedures to address misrepresentations; and
- Protocols and frequency of testing.

SECTION 21	PART 1: NEW ARTICLE 50 - CO Natural Medicine Code (P. 26)

Establishes Article 50 in Title 44 - The Colorado Natural Medicine Code, 44-50-101 - 102

SECTION 21	PART 1: 44-50-103. Definitions (P. 27)

44-50-103. Definitions: Consistent with Title 12 (underlined terms are new)

Administration Session; Board; Director; Division; Facilitator; Healing Center; Health-Care Facility; Integration Session; License; Licensed Premises; Licensee; Local Jurisdiction; Natural Medicine; Natural Medicine Business; Natural Medicine Product; Natural Medicine Services; Participant; Person; Preparation Session; Principle File, Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority; Transfer

SECTION 21	PART 1: 44-50-104. Applicability (P. 32)

Application Procedures

- ➢ Requires SLA to prioritize review of applications from Colorado residents
- ➢ Application & License fees are credited to the Regulated Natural Medicine Cash Fund

Employer, School, Hospital, Detention Facility, Related Protections

- ➢ Employers are not required to permit or accommodate NM use, consumption, possession, etc., or impairment in the workplace
- ➢ Employers may have policies restricting use or impairment in the workplace
- ➢ An employer, school, hospital, detention facility, corporation, or other entity that occupies, owns, or controls property can prohibit/regulate NM activities on such property

Local Jurisdiction Authority & Limitations

- ➢ May enact ordinances/regulations governing time, place, manner of operation of licenses
- ➢ May NOT prohibit:
  - Establishment or operation of licenses
  - Transportation of NM on public roads by licensed persons
- ➢ May NOT adopt ordinances/regulations that are unreasonable or in conflict

SECTION 21	PART 2: 44-50-201. State Licensing Authority (P. 33)

Establishes the DOR Executive Director as the State Licensing Authority (can delegate to NM Division Director), who may employ Department officers and employees as necessary.

SECTION 21	PART 2: 44-50-202. Powers & Duties of SLA (P. 33)

Licensing & Enforcement: PP. 33-34

- ➢ December 31, 2024 - DOR begins accepting applications/granting licenses
- ➢ Authority to suspend, fine, restrict, revoke licenses (active, expired, or surrendered)
- ➢ Conduct investigations and hearings, gather evidence, and pursue disciplinary actions
- ➢ Petition a district court for an investigative subpoena to unlicensed persons after reasonable efforts to obtain requested documents/information
- ➢ Petition a court to temporarily restrain or enjoin action of an unlicensed person when the NM Division director finds sufficient evidence that the person has or is committing a prohibited act and such act (A) threatens public health or safety; or (B) constitutes an unlawful act
- ➢ Hearing procedures and authority
- ➢ Develop forms, licenses, ID cards, and applications

Reporting, Public Education & Training: PP. 34-36

- ➢ In coordination with DORA, publish an **ANNUAL REPORT** on the implementation/administration (must not include information that could disclose the identity of a participant)
  - **DATA COLLECTION REQUIREMENT** (to include in annual report): In coordination with other agencies, the SLA shall request data concerning LE incidences / adverse health events / impacts to health care systems / consumer protection claims / and behavioral health impacts
- ➢ Develop and promote **PUBLIC EDUCATION CAMPAIGNS** (including public service announcements, educational materials, and crisis response materials
- ➢ Develop and promote **TRAINING MATERIALS** for first responders and multi-responders (LE, emergency medical providers, social service providers, fire fighters)

Other Duties & Limitations: PP. 35-36

- ➢ SLA cannot fix prices for regulated NM
- ➢ Nothing requires LE ability to investigate unlawful activity related to a licensee
- ➢ LE has authority to run a criminal history record check during an investigation of unlawful activity

➢ Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the SLA may consult the Board)

SECTION 21	PART 2: 44-50-203. Rulemaking Authority (P. 37)

DOR MANDATORY RULEMAKING

General Licensing:

- ➢ Licensing procedures & requirements (for issuance, denial, renewal, reinstatement, modification, suspension, and revocation)
- ➢ Oversight requirements for licensees
- ➢ A schedule of application, licensing, and renewal fees

Qualifications and eligibility requirements for licensure

- ➢ Tax Compliance: Eligibility includes requirements for timely payment of state taxes, timely filing of returns, and timely curing of tax deficiencies. Authorizes the DOR to have access to licensing information to ensure compliance.

Permitted and prohibited financial interests:

- ➢ A Person cannot have a financial interest in more than five (5) NM business licenses

Testing Program: DOR rules in coordination with CDPHE

- ➢ Establishment of a natural medicine independent testing and certification program.
- ➢ At a minimum, to ensure product does not contain contaminants injurious to health and to ensure correct labeling
- ➢ Certification requirements and requirements that results cannot be used unless the lab is certified
- ➢ Testing procedures and frequency
- ➢ Whether to allow unlicensed persons to request/utilize testing services of regulated labs
- ➢ Definitions, permissions, and prohibitions concerning conflicts of interest
- ➢ Procedures and requirements necessary for coordination with CDPHE duties

Regulation of Licensed Premises:

- ➢ Co-location of a Healing Center with another Healing Center or Health-Care Facility

Transportation Requirements:

- ➢ Security requirements
- ➢ Vehicle requirements, including surveillance
- ➢ Limits on amounts that may be carried in a vehicle
- ➢ Record keeping
- ➢ Transport manifest

Production Management

- ➢ Limits on the amount of NM allowed for production by licensees based on metrics
- ➢ Shall consider total current and anticipated demand

Record Keeping

- ➢ Records licensees are required to maintain and make available for inspection by the SLA

Other

- ➢ Requirements to prevent diversion
- ➢ Requirements to prevent underage access
- ➢ Permitted and prohibited transfers of NM between licensees
- ➢ Standards for advertising/marketing (including avoiding misappropriation and exploitation of tribes and indigenous people / avoiding excessive commercialization)

DOR PERMISSIVE RULEMAKING (P. 40)

- ➢ Establishment of licenses
- ➢ Principle file process
- ➢ Product requirements and restrictions
- ➢ Packaging and labeling requirements, including warning labels, serving and per-package serving amounts; and concentration of product
- ➢ Security and surveillance, among other minimum procedures for internal control
- ➢ Reporting requirements for changes
- ➢ Health and safety standards and sanitary requirements
- ➢ Waste handling/disposal
- ➢ Storage and transportation
- ➢ Inventory tracking/management
- ➢ Procedures for disciplinary actions
- ➢ Penalties schedule
- ➢ Specifications of duties of officers/employees of SLA
- ➢ Guidance for law enforcement
- ➢ Inspections and investigations (including searches, seizures, forfeitures, embargo, quarantine, recalls, and such additional activities as may become necessary)
- ➢ Prohibition on misrepresentation and unfair practices
- ➢ Other matters as necessary

Other Requirements & Limitations (P. 43)

- ➢ Shall consult the advisory board when considering and promulgating rules
- ➢ May establish procedures for conditional issuance of an employee license and ID at time of application (remains subject to denial pending results of criminal history check)
- ➢ Fingerprint requirements - by local LE agency or third party approved by CBI (requirement for SLA to send fingerprints to CBI for processing)

SECTION 21	PART 2: 44-50-204. Confidentiality (P. 43)

Gives similar protections and exemptions as in the Marijuana Code. Certain licensee information must be maintained as confidential (e.g. financial records, security plans) with limited exceptions

SECTION 21	PART 3: 44-50-301. Classes of Licenses (P. 44)

- ➢ Creates licenses issued by DOR: Healing Center, Cultivation, Manufacturer, Testing Facility, Occupational license (with authority to establish other licenses as necessary for implementation)
- ➢ Authorizes a state chartered bank or credit union to loan money to licensees
- ➢ Prohibits operation of a license at the same location as a license or permit issued under Articles 3, 4, 5, or 10 of Art. 44 (alcohol, fermented malt beverages, special event liquor permits; marijuana)

SECTION 21	PART 3: 44-50-302. Application & Distance Restrictions (P. 45)

- ➢ Distance restrictions, including within 1,000 feet of a child care center, preschool, elementary, middle, junior, or high school, or residential child care facility or if not permitted by local zoning.
- ➢ Local jurisdictions may vary the distance restrictions or may eliminate facilities from restrictions.
- ➢ Application approval requires the applicant to demonstrate it is or will be entitled to possession of premises via lease, rental agreement, ownership, or other arrangement.

CONTINUES TO NEXT PAGE

SECTION 21	PART 4: 44-50-401. Healing Center (P. 47)

General Requirements & Restrictions

- License may be issued only to a person that employs or contracts with a Facilitator
- May transfer regulated NM to another HC
- Prior to initiating NM Services, a Facilitator shall verify the Participant is 21+
- Shall comply with all provisions of Article 34, Title24, as related to persons with disabilities

Additional Rulemaking Authority

- Shall not transfer more than amount permitted by rule in a single Administration Session
- SLA may establish exemptions to the above administration limitations and may establish record-keeping requirements for HCs pursuant to any such exemption

SECTION 21	PART 4: 44-50-402. Cultivation Facility (P. 48)

Transfer Allowances/Restrictions

- License may be issued only to a person who cultivates regulated NM for transfer and distribution to NM healing centers, manufacturers, or other cultivations

Activities Restricted on Premises

- NM cannot be consumed on the premises unless co-located with HC premises

SECTION 21	PART 4: 44-50-403. Product Manufacturer (P. 48)

General Requirements & Restrictions

- License may be issued only to a person who manufactures regulated NM products
- Licensee shall NOT:
  - Add regulated NM to a food product that holds a trademark, unless it's used only as a component or as part of the recipe and only if the licensee does not state or advertise to the consumer that the final product contains a trademarked product
  - Intentionally or knowingly label or package in a manner that would cause reasonable confusion as to whether the product was trademarked
  - Label or package in a manner that violates federal trademark law/regs

Activities Restricted on Premises

- NM cannot be consumed on premises unless co-located with HC premises

SECTION 21	PART 4: 44-50-404. Testing Facility (P. 49)

General Requirements & Restrictions

- License may be issued only to a person who performs testing and research on NM
- Testing is a matter of statewide concern
- A testing licensee cannot have an interest in another NM business license

Additional Rulemaking Authority

- Acceptable testing and research practices, including but not limited to:
  - Standards
  - Quality control analysis
  - Equipment certification and calibration
  - Identification of chemicals and other substances used in bona fide research methods
  - Whether to allow persons 21+ to request and use testing services for personal use

SECTION 21	PART 5: 44-50-501. Unlawful Acts (P. 50)

- ➢ Knowingly transfer to person under 21
- ➢ Knowingly adulterate or alter test samples (or attempt to do so)

SECTION 21	PART 6: 44-50-601 - 602. Fees (P. 50)

Establishes the Regulated Natural Medicine Division Cash Fund

- ➢ Fees must cover direct and indirect costs of agency operations to implement and administer
- ➢ May charge for the cost of each fingerprint analysis and background investigation to qualify new officers, directors, managers, or employees
- ➢ Shall annually review and, if necessary, adjust fees to reflect direct and indirect costs
- ➢ Fees must not exceed the amount necessary to administer
- ➢ Shall also establish a subpoena fee (not applicable to government agencies)

SECTION 21	PARTS 7 - 8: 44-50-701 - 801. Disciplinary Actions (P. 52)

Establishes process for disciplinary actions with notice, hearing, and judicial review.

SECTION 21	PART 9: 44-50-901. Protections, Construction, Preemption, Severability (P. 53)

44-50-901. Protections (PP. 53-54)

- ➢ Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets.
- ➢ Contracts enforceable (federal prohibition does not render a contract unenforceable)
- ➢ Licenses under this Article are not subject to professional discipline for providing advice or services related to NM on the basis of federal prohibition, but does not authorize malpractice.
- ➢ Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM.
- ➢ Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee.

44-50-902 - 904. Construction, Preemption, Severability (P. 55)

Article 50 must be liberally construed to effectuate its purpose; local jurisdictions cannot adopt any ordinance, rule, or resolution in conflict with this Article; If any provision of this Article is found to be unconstitutional, the remaining provisions are valid.

SECTION 21	PART 10: 44-50-1001. Sunset Review & Repeal (P. 55)

Effective **September 1, 2032**; Scheduled for Sunset Review under 24-32-104(5)

TITLE 16
CODE OF CRIMINAL PROCEDURE

SECTIONS 22 -23	PART 10: 16-13-303 - 304. Class 1 & 2 Public Nuisance (P. 55)

Not a Class 1 or 2 public nuisance if in compliance with 18-18-434, Title 12, or Title 44

TITLE 18 CRIMINAL CODE	
SECTIONS 24 - 26	**18-18-403.5. Unlawful Possession of Controlled Substance** **18-18-404. Unlawful Use of Controlled Substance** **18-18-405. Unlawful Distro, Manufacturing, Dispense, Sale**
Exemptions if in compliance with Title 12, Title 27, Title 18, and Title 44	
SECTION 27	**18-18-410. Declaration of Class 1 Public Nuisance (P. 57)**
Exemptions regarding use of places for storage, manufacture, sale, or distribution	
SECTION 28	**18-18-411. Property & Controlled Substances (P. 57)**
Exemptions for persons (keeping, controlling, renting, making property available for distribution or manufacture) if in compliance with 18-18-434, Article 170 of Title 12, or Article 50 of Title 44	
SECTION 29	**18-18-412.7. Sale or Distribution of Materials to Manufacture CS**
Exemptions if in compliance with 18-18-434, Title 12, and Title 44	
SECTION 30	**18-18-430.5. Drug Paraphernalia - Exemption (P. 58)**
Exemptions from 18-18-425 - 18-18-430 if using equipment, products, or materials in compliance	
SECTION 31	**NEW 18-18-434. Offenses Relating to Natural Medicine (P. 58)**

NEW PERSONAL USE PROVISIONS FOR NATURAL MEDICINE

OFFENSES P. 58

(1) Persons under 21 Years of Age - Knowingly Possess or Consume P. 58

**Aligns with 18-13-122 for MJ*

- **Drug petty offense** - subject to:
  - Fine of not more than $100; OR
  - Not more than four (4) hours of substance use education or counseling
- **Second or subsequent conviction**:
  - Fine of not more than $100
  - Not more than four (4) hours of substance use education or counseling; AND
  - Not more than twenty-four (24) hours of useful public service

(2) Open and Public Display or Consumption: P. 58

**Aligns with 18-18-406(5)(b) for MJ*

- **Drug petty offense** - subject to:
  - Fine of not more than $1,000; AND
  - Not more than twenty-four (24) hours of useful public service.

(3)(a) Knowing Cultivation (or allowance) - Private Property Exceeding 12x12 (non-contiguous) P. 59

**Aligns with lowest level penalty in 18-18-406(3) for MJ*

- **Drug petty offense** - subject to: Fine of not more than $1,000

(3)(b) Knowing Cultivation (or allowance) - Private Property Enclosed & Locked Space P. 59

**Aligns with lowest level penalty in 18-18-406(3) for MJ*

- **Drug petty offense** - subject to: Fine of not more than $1,000

(4) Knowing Manufacture w/Inherently Hazardous Substances P. 60

**Aligns with 18-18-406.6 for MJ*

- **Level 2 Drug Felony** - Unlawful to knowingly manufacture or allow manufacture of NM Product using an **Inherently Hazardous Substance**
- **Defined**: Any liquid, chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees celsius or 100 degrees fahrenheit, including butane, propane, and diethyl ether, and excluding all forms of alcohol and ethanol)

PERSONAL USE P. 59

Personal Cultivation

- Limited to an area not more than **12x12 feet** on Private Property
- 12x12 space not required to be contiguous
- A local jurisdiction may allow cultivation exceeding the space limit
- Defines "**Private Property**"
  - A dwelling, its curtilage, and a structure within the curtilage being used for habitation and that is not open to the public.
- 18-18-434(3)(b)(II) - Not a violation if:
  - The person is 21+; AND
  - The cultivation area is located in a dwelling on the Private Property; AND
  - If an underage person lives at the dwelling, the cultivation is enclosed and locked.
    - If no underage person lives at the dwelling, the external locks on the dwelling constitute an enclosed and locked space, **BUT**
    - If a person underage lives at the dwelling, shall ensure access is reasonably restricted

(5)(b) Personal Use Testing Allowances - via Unlicensed Labs P. 60

- Allows a person to perform testing for persons 21+ (for personal use) if:
  - The person gives written notice that they are not licensed by the state to conduct testing; &
  - The person who submits samples gives a signed statement that the natural medicine is for personal use only

(5)(c) Nothing in this Section Permits the Following P. 61

- Underage access
- Remuneration except as allowed
- Engage in personal use actions related to natural medicine other than as allowed
- Engage in action as part of a business promotion or commercial activity except as allowed
- Dispense, sell, or distribute, or possess Ibogaine w/intent to distribute except as allowed

(5)(d) - (10) Law Enforcement & Local Jurisdiction Limitations P. 61

- Shall not arrest or charge or prosecute for an offense involving natural medicine except as expressly provided in this Section (may arrest, charge, or prosecute for an offense not expressly lawful under Titles 12 and 44)
- A lawful action cannot be the sole reason to
  - (a) subject a person to a civil fine, penalty, or sanction
  - (b) deny a person a right or privilege; or
  - (c) seize or forfeit assets
- A lawful action cannot be the sole factor in a probable cause determination. Such action can be

used as a factor IF:
  - The original stop or search was lawful; AND
  - Other factors are present to support a PC determination
- ➢ Entitlement to consume does not constitute a defense against a charge for violation related to operation of a vehicle, aircraft, boat, machinery, or other device
- ➢ A local jurisdiction shall not impose any greater criminal or civil penalty

(11) Exceptions for Living Plants for Ornamental Purposes

Offenses do not apply to a living plant for ornamental purposes (plants commonly and lawfully sold prior to this Act). A living plant does not include mushrooms or other fungal matter

Defines Natural Medicine P. 63

- ➢ Means: (A) Dimethyltryptamine (B) Mescaline; (C) Ibogaine; (D) Psilocybin; or (E) Psilocyn
- ➢ Exclusions:
  - Natural Medicine does **NOT** mean a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.
  - Mescaline does **NOT** include Peyote, meaning all parts of the plant classified botanically as Lophophora Williamsii Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts.

Defines Personal Use P. 64

- ➢ Consumption or use of Natural Medicine or Natural Medicine Product; or
- ➢ The amount a person may lawfully possess, cultivate, or manufacture that is necessary to share with another person 21+ within the context of:
  - Counseling
  - Spiritual guidance
  - Beneficial community-based use and healing; or
  - Supported use or related services
- ➢ Does **NOT** mean:
  - Remuneration;
  - Possession, cultivation, or manufacture with intent to sell for remuneration;
  - Possession, cultivation, manufacture, or distribution for business or commercial purposes
- ➢ Does not preclude Remuneration for bona fide harm reduction or support services used concurrently with sharing, IF:
  - No advertisement related to sharing or the services AND
  - The individual giving services informs they are not a licensed Facilitator

OTHER

SECTION 32	10-16-158. Prohibiting Discrimination for Coverage (P. 65)

- ➢ Carriers shall not, solely on the basis of consumption, decline or limit health benefit plan coverage of a person or penalize covered persons or reduce or limit coverage; shall not deny, decline, or limit coverage for an organ transplant or related service; shall not decline or limit coverage for the purpose of avoiding the requirements of this section; shall not penalize, reduce, or limit coverage for healthcare services related to organ transplantation.
- ➢ However, does not require a plan to provide coverage for the donation of an anatomical gift, transplant, or related treatment or services

SECTION 33 - 35	**17-2-102. Division of Adult Parole (P. 66)** **17-2-201. State Board Parole (P. 67)** **18-1.3-204. Conditions of Probation (P. 67)**
➢ Exempts subsection (8.5)(d) from a parolee who possesses or uses NM as authorized ➢ Possession or use authorized under this law cannot be considered a violation of parole conditions	
SECTION 36	**19-2.5-103. Juvenile Court Jurisdiction (P. 67)**
Juvenile court exclusive original jurisdiction concerning a juvenile 10 yrs + involving natural medicine	
SECTION 37	**19-3-103. Child Neglect (P. 68)**
Actions lawful in Titles 12, 18, 44 do not constitute neglect and a court shall not restrict or prohibit family time or make similar determinations, **UNLESS** a court determines family time would endanger the child's physical health or significantly impair the child's emotional development.	
SECTION 38	**24-72-706. Sealing of Criminal Conviction Records**
(1)(f.5) Can file a motion for the sealing of conviction records for an offense that is no longer unlawful. If a motion is filed, the defendant shall provide notice to the DA, who (within **42 days** from receipt of the motion) may object after considering specific factors. ➢ If no DA objection, the court may grant with or without a hearing ➢ If DA objection, shall set the matter for hearing ➢ Burden is on the defendant - preponderance of evidence standard ➢ The defendant's motion is NOT required to include a verified copy of a criminal history ➢ Must not be charged fees/costs for filing a motion pursuant to this section	
SECTION 39	**24-76.5-104. Public Assistance Considerations (P. 70)**
Eligibility does not require consideration related to natural medicine unless required by federal law	
SECTION 40	**25-56-104.5. Discrimination for Organ Transplants (P. 70)**
➢ Limitations and requirements for covered entities that provide coverage related to the organ transplant process. Requirements for covered entities include: (a) making reasonable modifications to policies, practices, and procedures; (b) take reasonable and necessary steps to ensure consumption is not the reason for denial of services, unless the entity demonstrates such steps would fundamentally alter the nature of services or result in undue burden for the entity. ➢ Does not require the entity to make a referral or perform a medically inappropriate transplant.	
SECTION 41	**35-36-102. Rules - Definitions (P. 72)**
Amends the definition of "Farm Products" to exclude NM as defined under Title 12 (*similar to MJ*)	
SECTIONS 42-43	**39-22-104 & 304. Income Tax & Net Income of Corporation (P. 72)**
For tax years commencing on or after Jan. 1, 2024, a Title 44 licensee can subtract expenditures eligible to be claimed as a federal income tax deduction, but is disallowed by 280E of the IRS Code	
SECTIONS 44	**Appropriation (P. 73)**

Appropriates funding to agencies for purposes of implementation	
SECTION 45	**Effective Date and Safety Clause (P. 74)**
Effective July 1, 2023, applies to offenses committed on or after July 1, 2023	

END

DRAFT RULES

NATURAL MEDICINE ENFORCEMENT DIVISION

DEPARTMENT OF REVENUE

COLORADO
Department of Revenue
Division of Natural Medicine

DRAFT NATURAL MEDICINE DIVISION RULES
1 CCR 213-1

***Please Note**: Text highlighted in blue indicates a contextual note or questions the Division is specifically seeking feedback on.*

Text highlighted in orange indicates revisions since the March 20th, April 10th, May 1st, May 31st, and June 12th work group meetings.

Part 1 – General Applicability

Basis and Purpose – 1025

The statutory authority for this rule includes but is not limited to sections 44-50-103, 44-50-104, 44-50-201, 44-50-202, and 44-50-203, C.R.S. The purpose of this rule is to provide necessary definitions of terms used throughout the rules. Defined terms are capitalized where they appear in the rules, to let the reader know to refer back to these definitions. When a term is used in a conventional sense, and is not intended to be a defined term, it is not capitalized.

1025 – Definitions

"Administration Area" means a designated and secured area within the Licensed Premises of a Healing Center where Regulated Natural Medicine and Regulated Natural Medicine Products may be stored and transferred to a Participant, where a Participant may consume Regulated Natural Medicine and Regulated Natural Medicine Products, and where Administration Sessions may take place. The Administration Area may not be part of the Restricted Area.

"Administration Session" means a session conducted at a Healing Center or another location as allowed by this article 170-50-44 during which a participant consumes and experiences the effects of Regulated Natural Medicine or Regulated Natural Medicine Product under the supervision of a Facilitator.

***Please note:** Based on stakeholder feedback in the 4/10 and 5/1 work group meetings, the definition of Adverse Health Event has been revised to include additional context pulled from the FDA definition of "adverse event."*

"Adverse Health Event" means any untoward or unexpected health condition or medical occurrence associated with the use of natural medicine or natural medicine product–this could include any unfavorable and unintended sign (including a hospitalization, emergency department visit, medical visit, abnormal laboratory finding, outbreak, death [non-motor vehicle]), symptom, or disease temporally associated with the use of a natural medicine product, and may include concerns or reports on the quality, labeling, or possible adverse reactions to natural medicine or natural medicine product transferred by or manufactured at a Natural Medicine Business. An adverse event or suspected adverse reaction is considered "life-threatening" if, in the view of the facilitator, its occurrence places the participant at immediate risk of death. It does not include an adverse event or suspected adverse reaction that, had it occurred in a more severe form, might have caused death. An adverse event or suspected adverse reaction is considered "serious" if, in the view of the facilitator, it results in any of the following outcomes: Death, a life-threatening adverse event, inpatient hospitalization or prolongation of existing hospitalization, a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions, or a congenital anomaly/birth defect. Important medical events that may not result in

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death, be life-threatening, or require hospitalization may be considered serious when, based upon appropriate medical judgment, they may jeopardize the patient or subject and may require medical or surgical intervention to prevent one of the outcomes listed in this definition. Examples of such medical events include allergic bronchospasm requiring intensive treatment in an emergency room or at home, blood dyscrasias or convulsions that do not result in inpatient hospitalization, or the development of drug dependency or drug abuse.

"Applicant" means an individual or entity that submitted an application under these rules and the Natural Medicine Code that was accepted by the Division for review but has not been approved or denied by the State Licensing Authority.

"Division" means the Department of Revenue Natural Medicine Division.

"Facilitator" means a natural person who is twenty-one years of age or older, has the necessary qualifications, training, experience, and knowledge to perform and supervise natural medicine services for a participant, and is licensed by the director of the division of professions and occupations to engage in the practice of facilitation.

"Financial Interest" means entitlement or agreement to receive a portion of revenue, proceeds or profits from a Natural Medicine Business or a Natural Medicine Business Applicant; or a membership interest, partnership interest or other ownership interest, including but not limited to a share of stock, in a Natural Medicine Business or Natural Medicine Business Applicant.

"Fruiting Body(ies)" means the spore producing organs of the fungi *Psilocybe cubensis*.

"Harvest Lot" means a specifically identified quantity of Fruiting Bodies that is cultivated from the same inoculation, and dried under the same conditions and harvested at the same location within the licensed premises, that may be partially harvested, and may use the substrate material for multiple harvests.

"Healing Center" means an area of a facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise natural medicine services for a participant.

"License" means a license, permit, or registration pursuant to the Natural Medicine Code.

"Licensed Premises" means the premises specified in an application for a license pursuant to this article 50 that the Licensee owns or is in possession of and within which the Licensee is authorized to cultivate, manufacture, test, store, distribute, transport, transfer, or dispense Regulated Natural Medicine or Regulated Natural Medicine product in accordance with the Natural Medicine Code.

"Licensee" means a person licensed, registered, or permitted pursuant to the Natural Medicine Code or rules promulgated pursuant to article 50.

"Local Jurisdiction" means a county, municipality, or city and county.

"Mycelium" means the fungal threads or hyphae of *Psilocybe cubensis*.

"Natural Medicine Business" means any of the following entities licensed pursuant to the Natural Medicine Code:

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Division of Natural Medicine

i. A Healing Center;

ii. A Natural Medicine Cultivation Facility;

iii. A Natural Medicine Products Manufacturer;

iv. A Natural Medicine Testing Facility.

"Natural Medicine Cultivation Facility" means a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Please Note: *The proposed definition for "employee license" has been revised to "Natural Medicine Handler License" based on stakeholder feedback in an effort to clarify who is expected to obtain a license and what an employee who holds a Natural Medicine Handler License may do.*

"Natural Medicine Handler License" means a license issued by the State Licensing Authority pursuant to the Natural Medicine Code, to a natural person who is not an Owner. Any natural person, who is not an Owner, who has unrestricted access to Regulated Natural Medicine or Regulated Natural Medicine Product or handles Regulated Natural Medicine or Regulated Natural Medicine Product must hold a Natural Medicine Handler License. For purposes of these Rules, handling Regulated Natural Medicine or Regulated Natural Medicine Product means the cultivation, manufacturing, testing, storage, distribution, transport, transfer, or dispensation of Regulated Natural Medicine and Regulated Natural Medicine Products.

"Natural Medicine Products Manufacturer" means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

"Natural Medicine Services" means a preparation session, administration session, and integration session as provided pursuant to article 170 of title 12.

"Natural Medicine Testing Facility" means a public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

"Nonconformance" means a non-fulfillment of a requirement or departure from written procedures, work instructions, or quality system, as defined by the Licensee's written Corrective Action and Preventive Action procedures.

"Owner" means an individual or an entity that owns, possesses, or is entitled to any Financial Interest in a Natural Medicine Business or a Natural Medicine Business Applicant; an individual or an entity that owns a share of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, or the interest of a member in a limited partnership association that holds any interest in a Natural Medicine Business.

"Participant" means a person who is twenty-one years of age or older and who receives natural medicine services performed by or under the supervision of a Facilitator.

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"Production Lot" means psilocybin pressed tablets, tea bags, chocolate, soft confection, or powdered capsules of the same type that were manufactured under the same conditions at the same time using the same manufacturing method, ingredients, and standard operating procedures.

"Regulated Natural Medicine" means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code. Regulated Natural Medicine includes:

i. Psilocybin; or

ii. Psilocin.

"Regulated Natural Medicine Product" means natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code.

"Regulated Natural Medicine Waste" means waste material that is:

i. A byproduct of cultivating Regulated Natural Medicine or manufacturing Regulated Natural Medicine Products that contains any fruiting bodies or mycelium from the cultivation or production process of psilocybin or psilocin;

ii. Partially consumed Regulated Natural Medicine Product, excluding client packaging;

iii. Psilocybin or psilocin products that a Natural Medicine Products Manufacturer, Healing Center or Testing Facility disposes; or

iv. Any psilocybin or psilocin product that is required to be designated as waste by these rules.

"Restricted Area" means areas of Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Natural Medicine Testing Facilities where Regulated Natural Medicine is cultivated, manufactured, tested, or stored. Only Natural Medicine Handler Licensees and Owner Licensees may access Restricted Areas without supervision or documenting access on a visitor log. A Healing Center may have a Restricted Area, but is not required to have a Restricted Area, unless the Healing Center stores more than 750mg of Regulated Natural Medicine or Regulated Natural Medicine Product pursuant to Rule 8020.

"Sample" means a portion of Regulated Natural Medicine that is removed from a Harvest Lot or Regulated Natural Medicine Product that is removed from a Production Lot for required testing under Part 4 of these Rules.

"State Licensing Authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storage, distribution, transportation, transfer, and dispensation of Regulated Natural Medicine and Regulated Natural Medicine Product in Colorado pursuant to section 44-50-201, C.R.S.

"Total psilocin" means the sum of the percentage by weight of psilocybin multiplied by 0.719 plus the percentage by weight of psilocin, i.e., Total psilocin = (%psilocybin x 0.719) + %psilocin.

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Part 4 – Regulated Natural Medicine Testing Program

Please Note: *The following testing program rules include limited required tests attempting to balance the costs to Natural Medicine Businesses and the Division's statutory mandate to implement rules that ensure regulated natural medicine does not contain contaminants that are injurious to health and ensure correct labeling. These initial draft rules for testing requirements may evolve as the rules continue to evolve related to cultivation and manufacturing allowances and requirements, and other regulatory measures to fulfill our mandatory rulemaking requirements. As a starting point, the draft rules* ***do not*** *propose requiring the following tests, in line with recommendations from the Natural Medicine Advisory Board, unless directed by the Division:*

- heavy metals;
- pesticides;
- solvents; and
- mycotoxins

Because we do not allow cultivations to use pesticides, and limiting solvents, we will not require testing for those unless there is reason to believe that they have been used in cultivation or manufacturing.

Basis and Purpose – 4005

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-402, 44-50-403, and 44-50-404, C.R.S. The purpose of this Rule is to establish the requirement that Natural Medicine Businesses pay for required testing of Regulated Natural Medicine or Regulated Natural Medicine Product.

4005 – Costs

The cost for all sampling and tests conducted pursuant to these Rules is the responsibility of the Regulated Natural Medicine Business that is required to submit the Sample for testing. A Natural Medicine Testing Facility may require prepayment or decline to provide test results until a Regulated Natural Medicine Business remits payment for the test(s).

Basis and Purpose – 4010

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-402, C.R.S. The purpose of this Rule is to establish the required tests and procedures final Regulated Natural Medicine must comply with prior to transfer to a Facilitator, Natural Medicine Products Manufacturer, or Healing Center.

These testing rules reflect initial rules that attempt to balance the costs to Natural Medicine Businesses and protecting public health and safety. These rules are based on limited available data and prior experience with other similar programs due to the nascent nature of the Regulated Natural Medicine program. The State Licensing Authority will monitor testing data and consumer experiences and may revise testing requirements to require more or less frequent testing, testing for additional or different contaminants, additional testing requirements if additional routes of administration are permitted and

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other testing updates. Further, if additional Natural Medicines are permitted in the Regulated Natural Medicine program, those may also require additional testing requirements.

4010 – Natural Medicine Cultivation Facility - Required Regulated Natural Medicine Testing

A. Regulated Natural Medicine must pass all required testing conducted by a Natural Medicine Testing Facility prior to transfer to a Natural Medicine Products Manufacturer, Healing Center, or Facilitator.

***Please Note**: The following proposed rule for test sampling procedures and required tests is based, in part, on the Natural Medicine Advisory Board's recommendations and OR Psilocybin Services rules.*

B. Sampling Procedures.

1. Harvest Lot Sampling. Whole fungi must be fully dried to be submitted to a Natural Medicine Testing Facility. The Sample must be a mixture of parts of the fruiting bodies, including caps and stems of different mushrooms.

   a. For Harvest Lots up to 1.000 kilogram in dry weight, a minimum of 2.5 grams must be submitted for testing as the Sample.

   b. A Harvest Lot over 1.000 kilogram but less than 2.000 kilograms in dry weight shall require submission of a Sample that contains a minimum of 5.0 grams.

   c. A Harvest Lot over 2.000 kilograms dry weight shall require the submission of a Sample that contains 2.5 grams for each kilogram of the batch weight.

2. Sampling Procedure Training. A Natural Medicine Cultivation Facility must provide standard operating procedures and training to any Natural Medicine Handler Licensee or Owner Licensee who will collect Samples for required testing.

   a. The standard operating procedures and training must include at least the following topics:

      i. These Part 4 Rules - Regulated Natural Medicine Testing Program;

      ii. Sampling procedures or guidance established by the Division, as available;

      iii. Cross contamination as it relates to Sample collection;

      iv. Sample collection documentation and record keeping requirements; and

      v. Use of and disinfection of Sample collection equipment.

C. Required Testing - Harvest Lot Testing. Prior to transferring any Regulated Natural Medicine, a Sample must be submitted that is representative of the Harvest Lot it came from.

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1. Tryptamine Content Analysis Testing.

   a. Each Sample of Regulated Natural Medicine must be submitted for tryptamine content analysis. The results of the tryptamine content analysis required in this Rule must be accurately documented in the Licensee's inventory tracking records and on the label prior to transfer to a Facilitator, Natural Medicine Products Manufacturer, or Healing Center.

      i. Psilocybin;

      ii. Psilocin;

      iii. Baeocystin;

      iv. Aerguinascin;

      v. Norbaeocystin; and

      vi. 4-AcO-DMT.

***Please Note**: The following rule was recommended by the Natural Medicine Advisory Board to account for degradation of psilocybin over time and replaces the previously proposed labeling requirement for an expiration date The Board stated there is not yet enough good evidence regarding how potency in psilocybin-containing mushrooms changes over time; retesting ensures that facilitators are administering accurate doses of natural medicine. If adopted as proposed below, a Natural Medicine Business in possession of Regulated Natural Medicine that was tested more than 9 months previously must submit a Sample for testing from whatever inventory remains. For example, if a Healing Center has some amount of a Harvest Lot in its possession, then the Healing Center would be responsible for submitting a Sample from what it has to a Natural Medicine Testing Facility for a tryptamine content analysis, and relabeling the Regulated Natural Medicine if required under the rule.*

   b. Tryptamine content shall be retested every nine months from the date of the original test or most recent retest. When retesting indicates a significant deviation of Total Psilocin, more than 15% lower than the previous Total Psilocin, the Regulated Natural Medicine must be relabeled with the new tryptamine content. If the tryptamine content retest results in a higher Total Psilocin that the previous test, the Harvest Lot must be destroyed in accordance with Rule 3120.

2. Contaminant Testing - Microbial Panel. A Natural Medicine Cultivation Facility shall subject at least one Harvest Lot to the following microbial contaminant testing once every 30-day period following the Sample submission of the last Sample. If during any 30-day period the Natural Medicine Cultivation Facility does not possess a Harvest Lot that is ready for testing, the Natural Medicine Cultivation Facility must subject its first Harvest Lot that is ready for testing to the required contaminant testing prior to transfer to a Facilitator, Healing Center, or Natural Medicine Products Manufacturer.

   a. Each Sample of Regulated Natural Medicine must be submitted for the following microbial contaminant tests:

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i. Salmonella. Salmonella must be absent from the Sample.

ii. Shiga toxin producing Escherichia coli (E. coli). E. Coli must be absent from the Sample.

iii. Mold. Mold must be absent from the Sample.

Basis and Purpose – 4015

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), and 44-50-403, C.R.S. The purpose of this Rule is to establish the required tests and procedures final Regulated Natural Medicine Product must comply with prior to transfer to a Facilitator, Natural Medicine Products Manufacturer, or Healing Center.

These testing rules reflect initial rules that attempt to balance the costs to Natural Medicine Businesses and protecting public health and safety. These rules are based on limited available data and prior experience with other similar programs due to the nascent nature of the Regulated Natural Medicine program. The State Licensing Authority will monitor testing data and consumer experiences and may revise testing requirements to require more or less frequent testing, testing for additional or different contaminants, additional testing requirements if additional routes of administration are permitted and other testing updates. Further, if additional Natural Medicines are permitted in the Regulated Natural Medicine program, those may also require additional testing requirements.

4015 – Natural Medicine Products Manufacturer - Required Regulated Natural Medicine Products Testing

A. Regulated Natural Medicine must pass all required testing conducted by a Natural Medicine Testing Facility prior to transfer to another Natural Medicine Products Manufacturer, Healing Center, or Facilitator.

***Please Note**: The following proposed rule for test sampling procedures is based on the Natural Medicine Advisory Board's recommendations and OR Psilocybin Services rules. We are still researching whether public health can be reasonably protected with the use of methanol in the extraction process. We have concerns about the safety of methanol in any end-product that could be ingested by a participant and will continue to research and collect information leading up to the final rulemaking hearing.*

B. Sampling Procedures.

1. Powdered Psilocybin Production Lot Sampling.

a. For Production Lots up to 1.000 kilogram in dry weight, a minimum of 2.5 grams must be submitted for testing as the Sample.

b. A Production Lot over 1.000 kilogram but less than 2.000 kilograms in dry weight shall require submission of a Sample that contains a minimum of 5.0 grams.

c. A Production Lot over 2.000 kilograms dry weight shall require the submission of a Sample that contains 2.5 grams for each kilogram of the lot weight.

***Please Note**: The Natural Medicine Code directs that rules should also include individual serving and per-package serving amounts in addition to testing and sampling requirements. The Division is continuing to evaluate and develop appropriate sampling procedures for Regulated Natural Medicine Product and whether different types of Regulated Natural Medicine Product should be subject to different sampling requirements or amounts, and are interested in stakeholder feedback as we continue to develop this rule. One approach could be to include a table (as included below for placeholder purposes) that directs the required Sample composition for each product type.*

2. Production Lots of Regulated Natural Medicine Product Other than Bulk Powdered Psilocybin.

[Placeholder Table for consideration - Amounts included are not necessarily proposed or final amounts for sampling procedures]

Minimum Number of Required Samples	Number of Servings within the Production Lot				
5	0-99				
8	100-999				

3. Sampling Procedure Training. A Natural Medicine Products Manufacturer must provide standard operating procedures and training to any Natural Medicine Handler Licensee or Owner Licensee who will collect Samples for required testing.

a. The standard operating procedures and training must include at least the following topics:

i. These Part 4 Rules - Regulated Natural Medicine Testing Program;

ii. Sampling procedures or guidance established by the Division, as available;

iii. Cross contamination as it relates to Sample collection;

iv. Sample collection documentation and record keeping requirements; and

v. Use of and disinfection of Sample collection equipment.

C. Required Testing - Production Lot Testing. Prior to transferring any Regulated Natural Medicine Products, a Sample must be submitted that is representative of the Production Lot it came from. The Sample must be of sufficient size and increments to determine the homogeneity of the product.

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1. Tryptamine Content Analysis Testing.

   a. Each Sample of Regulated Natural Medicine must be submitted for tryptamine content analysis. The results of the tryptamine content analysis required in this Rule must be accurately documented in the Licensee's inventory tracking records and on the label prior to transfer to a Facilitator, Natural Medicine Products Manufacturer, or Healing Center.

      i. Psilocybin;

      ii. Psilocin;

      iii. Baeocystin;

      iv. Aerguinascin;

      v. Norbaeocystin; and

      vi. 4-AcO-DMT.

***Please Note**: The following rule was recommended by the Natural Medicine Advisory Board to account for degradation of psilocybin over time and replaces the previously proposed labeling requirement for an expiration date. The Board stated there is not yet enough good evidence regarding how potency in psilocybin-containing mushrooms changes over time; retesting ensures that facilitators are administering accurate doses of natural medicine. If adopted as proposed below, a Natural Medicine Business in possession of Regulated Natural Medicine Product that was tested more than 9 months previously must submit a Sample for testing from whatever inventory remains. For example, if a Healing Center has some amount of a Production Lot in its possession, then the Healing Center would be responsible for submitting a Sample from what it has to a Natural Medicine Testing Facility for a tryptamine content analysis and relabeling the Regulated Natural Medicine Product if required under the rule.*

   b. Tryptamine content shall be retested every nine months from the date of the original test or most recent retest. When retesting indicates a significant deviation of Total Psilocin, more than 15% lower than the previous Total Psilocin, the Regulated Natural Medicine Product must be relabeled with the new tryptamine content. If the tryptamine content retest results in a higher Total Psilocin that the previous test, the Production Lot must be destroyed in accordance with Rule 3120.

2. Contaminant Testing - Microbial Panel. A Natural Medicine Products Manufacturer shall subject at least one Production Lot to the following microbial contaminant testing once every 30-day period following the Sample submission of the last Sample. If during any 30-day period the Natural Medicine Products Manufacturer does not possess a Production Lot that is ready for testing, the Natural Medicine Products Manufacturer must subject its first Production Lot that is ready for testing to the required contaminant testing prior to transfer to a Facilitator or Healing Center.

   a. Each Sample of Regulated Natural Medicine Product must be submitted for the following microbial contaminant tests:

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i. Salmonella. Salmonella must be absent from the Sample.

ii. Shiga toxin producing Escherichia coli (E. coli). E. Coli must be absent from the Sample.

iii. Mold. Mold must be absent from the Sample.

3. Homogeneity. Each Production Lot must be tested to ensure homogeneous distribution of tryptamines throughout the Production Lot. For homogeneity testing, a Natural Medicine Products Manufacturer must submit a minimum of four servings from a minimum of two separate items (e.g. four capsules of dried, powdered mushrooms or two complete chocolate bars if each bar contains more than one serving). A Production Lot is considered to have a homogeneous distribution of tryptamines if each serving that is submitted for homogeneity testing is within 15.0% of the labeled value and the relative standard deviation of the four servings is less than 15.0%.

Basis and Purpose – 4020

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c),44-50-202(1)(b), 44-50-202(4), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(d), 44-50-203(2)(g)-(h), 44-50-203(2)(k), and 44-50-203(2)(r), C.R.S. The purpose of this Rule is to provide clarity to Licensees regarding the Natural Medicine Division's authority to request testing at any time and to require the Licensee to submit Samples for any required tests to a Natural Medicine Testing Facility.

These testing rules reflect initial rules that attempt to balance the costs to Natural Medicine Businesses and protecting public health and safety. These rules are based on limited available data and prior experience with other similar programs due to the nascent nature of the Regulated Natural Medicine program. The State Licensing Authority will monitor testing data and consumer experiences and may revise testing requirements to require more or less frequent testing, testing for additional or different contaminants, additional testing requirements if additional routes of administration are permitted and other testing updates. Further, if additional Natural Medicines are permitted in the Regulated Natural Medicine program, those may also require additional testing requirements.

4020 – Division Directed Testing

A. Upon request by the Division or the State Licensing Authority, a Natural Medicine Business must submit one or more Samples of Regulated Natural Medicine or Regulated Natural Medicine Product for any tests required under this Rule and other tests as may be necessary for investigation. If the Division directs a test, the results will be shared with the Natural Medicine Business. The Division may direct any Licensee to submit Samples for the following tests:

1. Psilocybin and psilocin concentration;

2. Tryptamine content;

3. Contaminants;

4. Pesticides;

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5. Mycotoxins;

6. Any other adulterant that the Division has reason to believe that has been added to a manufacturer's product due to a report of an Adverse Health Event.

B. A Licensee must submit a Sample(s) to a Natural Medicine Testing Facility within 48 hours of receiving a Division request for additional testing.

C. If the Division finds that a Sample has any contaminants or pesticides, the Harvest Lot or Production Lot that the Sample came from must be discarded following the waste procedures in Rule 3120.

Basis and Purpose – 4025

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c),44-50-202(1)(b), 44-50-202(4), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(d), 44-50-203(2)(g)-(h), 44-50-203(2)(k), and 44-50-203(2)(r), C.R.S. The purpose of this rule is to provide the notification requirements when a Licensee receives failing test results.

These testing rules reflect initial rules that attempt to balance the costs to Natural Medicine Businesses and protecting public health and safety. These rules are based on limited available data and prior experience with other similar programs due to the nascent nature of the Regulated Natural Medicine program. The State Licensing Authority will monitor testing data and consumer experiences and may revise testing requirements to require more or less frequent testing, testing for additional or different contaminants, additional testing requirements if additional routes of administration are permitted and other testing updates. Further, if additional Natural Medicines are permitted in the Regulated Natural Medicine program, those may also require additional testing requirements.

4025 – Failed Test Procedures

A. Failed Contaminant Tests. If a Regulated Natural Medicine Business is notified by a Testing Facility or the Division of a failed contaminant test, then for each Sample the Natural Medicine Business must destroy and document the destruction of the Harvest Lot or Production Lot in the inventory tracking system, according to the waste Rule 3120.

B. If a Licensee fails contaminant testing, the Licensee shall submit Samples from the next five Harvest Lots or Production Lots for the required test type(s) by a Natural Medicine Testing Facility regardless of amount of time between each Harvest Lot or Production Lot.

1. If the results of any of the next five tests fail a contaminant test, the Natural Medicine Business must complete their required CAPA plan under Rule 6015(E)(3) and the Division will review the revised plan and may conduct an inspection to confirm compliance with the plan.

2. If any lot has failed contaminant testing, it cannot be further transferred until the Natural Medicine Business fulfills the plan and the Division confirms through inspection that the Nonconformances were addressed.

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Part 6 – Regulated Natural Medicine Product Manufacturing License Requirements

Basis and Purpose – 6005

The statutory authority for this rule includes but is not limited to sections 44-50-202(1)(b), 44-50-203(1)(l), 44-50-203(2)(a), 44-50-203(2)(d), 44-50-203(2)(g), 44-50-203(2)(k), and 44-50-403(1), C.R.S. The purpose of this Rule is to establish the privileges and permitted acts for Natural Medicine Product Manufacturers.

***Please note** that the following section has been edited significantly to address stakeholder and Natural Medicine Advisory Board feedback related to product type allowances and routes of administration.*

We are continuing to seek feedback on 1) whether tinctures should be an allowed product type for sublingual administration and 2) if permitted, what safeguards would need to be put in place related to testing and packaging tincture products. The Division's understanding is that a participant utilizing a tincture would require much smaller amounts of the product during a session. How would a manufacturer make products to meet small amounts in single servings? Should the Division further explore what it could look like to allow facilitators to have a child-resistant bottle on hand with a way to measure a small amount out for a participant, and maintain the remainder in a bottle for another participant?

The Division considers a tincture as psilocybin extracted in a solvent where the solvent is not removed (therefore, the end product is not a concentrated product).

6005 – License Privileges

A. A Natural Medicine Products Manufacturer Licensee may only exercise the License privileges established under the Natural Medicine Code and granted by the State Licensing Authority pursuant to these Rules.

B. A Natural Medicine Product Manufacturer may only manufacture, distribute, and transfer Regulated Natural Medicine intended for oral ingestion, and limited to the following product types intended for oral ingestion, unless the Licensee has an Extraction Endorsement pursuant to subsection (C) of this Rule:

1. Intended for Oral Ingestion

   a. Powdered form;

   b. Capsules; and

   c. Tea bags

C. Extraction Endorsement. A Natural Medicine Products Manufacturer with an extraction endorsement may additionally manufacture, distribute, and transfer the following product types:

1. Intended for Oral Ingestion.

   a. Chocolate;

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b. Soft confections; and

c. Pressed tablets.

3. A Natural Medicine Products Manufacturer shall not manufacture or package a Regulated Natural Medicine Product in a manner that reasonably appears to represent a commercially manufactured food product or reasonably appears to target individuals under the age of 21.

a. Commercially manufactured food products may be used as ingredients in a Regulated Natural Medicine Product when: (1) they are used in a way that renders them unrecognizable as the commercial food product in the final Regulated Natural Medicine Product, and (2) the Natural Medicine Products Manufacturer does not represent that the final Regulated Natural Medicine Product contains the commercially manufactured food product.

4. Only Natural Medicine Products Manufacturer with an extraction endorsement may produce products using any extraction process. A Natural Medicine Products Manufacturer without the extraction endorsement may not use any extractive process. The following solvents are allowed to be used for extraction processes:

a. Water

b. Food grade, non-denatured ethanol

5. Natural Medicine Products Manufacturers are prohibited from performing extractions at elevated temperature or pressure or performing distillations.

Please Note: *We received stakeholder feedback concerning how to apply for additional product types with peer-reviewed research would be difficult, if not impossible, since there is limited research on natural medicine as a federally-scheduled drug. We will consider any future product types in future rulemakings.*

~~3. Additional Intended Use Approval Process. A Natural Medicine Products Manufacturer may submit a request to the Division to consider approval of additional intended uses or routes of administration not permitted under these Rules. The request must include at a minimum peer reviewed scientific data that indicates the intended use or route of administration is safe for consumption, and the Division may request additional information in determining whether to recommend the additional intended use for approval by the State Licensing Authority.~~

D. Authorized Sources of Regulated Natural Medicine.

1. Regulated Natural Medicine Products may only be manufactured using Regulated Natural Medicine from a Licensed Natural Medicine Cultivation Facility.

2. A Natural Medicine Cultivation Facility may accept transfers of Regulated Natural Medicine Waste from a Natural Medicine Cultivation Facility, another Natural Medicine Products Manufacturer, a Healing Center, or a Facilitator licensed by the Department of Regulatory Agencies to dispose of the Regulated Natural Medicine Waste. The

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Regulated Natural Medicine Waste must be tracked in the waste log, and must be handled in accordance with the transfer requirements in Rule 3405.

E. Authorized Transfers.

1. A Natural Medicine Products Manufacturer may transfer Regulated Natural Medicine Product to another Natural Medicine Products Manufacturer, a Natural Medicine Testing Facility, and a Healing Center in accordance with this subparagraph (C)(1).

   a. Prior to transfer to a Natural Medicine Testing Facility, the Regulated Natural Medicine Product must be in its final form and must comply with packaging requirements in Rule 3305.

   b. Prior to transfer to a Healing Center, the Regulated Natural Medicine Product must pass all required testing in Rules 4005 - 4015.

   c. Prior to transfer to a Healing Center, all Regulated Natural Medicine Product must be packaged and labeled pursuant to Rule 3305.

2. A Natural Medicine Products Manufacturer may transfer up to 750 milligrams of Total Psilocin of Regulated Natural Medicine Product that has passed all required testing and is packaged and labeled pursuant to Rule 3305 to a Facilitator for Administration Sessions at authorized locations other than Healing Centers in accordance with this Rule.

   a. Facilitator Request Requirements. A Natural Medicine Products Manufacturer may only transfer Regulated Natural Medicine Products to a Facilitator after receiving and verifying the Facilitator's request. All requests for Facilitator transfers must including the following information:

      i. The Facilitator's Department of Regulatory Agencies issued license number;

      ii. The requested amount of Regulated Natural Medicine;

      iii. The number of Administration Sessions the Facilitator is requesting Regulated Natural Medicine Product(s) for;

      iv. The number of Participants that will be consuming the requested Regulated Natural Medicine Product(s); and

      v. The requested date for pick-up.

   b. Request Verification. A Natural Medicine Products Manufacturer must verify the Facilitator's Department of Regulatory Agencies issued license number in order to complete the transfer.

3. All transfers of Regulated Natural Medicine Product must comply with inventory tracking requirements in Rule XXXX [*PLACEHOLDER*].

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Basis and Purpose – 6010

The statutory authority for this rule includes but is not limited to sections 44-50-202(1)(b), 44-50-203(2)(a), 44-50-203(2)(d), 44-50-203(2)(g), and 44-50-403(1)(c), C.R.S. The purpose of this rule is to define prohibited activities of Natural Medicine Product Manufacturers.

6010 – Prohibited Acts

~~A.~~ ~~Any additive that alters potency, intoxicating effect, duration of effect, toxicity or potential for excessive use is prohibited. This includes additives with active ingredients, such as herbal supplements.~~

A. A Natural Medicine Products Manufacturer shall not transfer any Regulated Natural Medicine Product that is intended to be consumed through a route of administration other than oral ingestion.

B. Transfer to unlicensed person prohibited. A Natural Medicine Products Manufacturer shall not transfer any Regulated Natural Medicine Product to a person who does not hold a Natural Medicine Business License or a Facilitator licensed by the Department of Regulatory Agencies under article 170 of title 12 in accordance with Rule 5005. Only a Natural Medicine Handler Licensee or Owner Licensee may receive Regulated Natural Medicine Product on behalf of a Natural Medicine Business.

C. One Natural Medicine Products Manufacturer per Licensed Premises. A Licensed Premises shall only have one Natural Medicine Products Manufacturer License

Basis and Purpose – 6015

The statutory authority for this rule includes but is not limited to sections 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(e), 44-50-203(2)(g), 44-50-203(2)(h), 44-50-203(2)(k), C.R.S. The purpose of this rule is to define the health and sanitation requirements for Natural Medicine Product Manufacturers and the equipment used at Natural Medicine Product Manufacturers.

6015 – Manufacturing Procedures

A. Regulated Natural Medicine Products must be produced in a sanitary environment, where all food surfaces are maintained and kept in a clean manner.

1. Filters for air conditioning, ventilation, and air filtration systems are cleaned and replaced regularly.

2. Water must be potable. If well water is used, wells must be maintained to protect them from contamination. Floors must drain adequately, and there shall not be standing water on the floor of the Licensed Premises.

B. Manufacturing Activities - Premises and Safety Requirements.

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1. Toxic cleaning compounds, sanitizing agents, and other chemicals shall be identified, held, stored, and disposed of in a manner that protects against contamination of Regulated Natural Medicine, and in accordance with any applicable local, state, or federal law, rule, regulation, or ordinance

    a. The use of any of the above compounds must be tracked in the Safety Data Sheet, which must be kept in accordance with Rule 3010.

    b. If chemicals or fertilizers are used, back-flow prevention devices must be installed on water lines that are used for the application.

C. Equipment. Equipment must be maintained to prevent contamination.

1. Equipment must be maintained to ensure it is in proper working order and does not contribute to contamination. All lubricants used on machinery with direct or indirect food contact must be food grade.

2. Manufacturing Equipment. All manufacturing equipment must be cleaned and sanitized prior to manufacturing, processing, or extraction, and on a scheduled basis.

D. Ingredients. Natural Medicine Products Manufacturer may only use conventional food ingredients in the manufacturing of Regulated Natural Medicine Products.

E. Records.

1. If a Natural Medicine Products Manufacturer uses raw materials in the manufacture of a Regulated Natural Medicine Product, the Licensee must obtain and maintain documentation of the material purchased, including the date of purchase.

2. Standard Operating Procedures (SOP). A Natural Medicine Products Manufacturer must have Standard Operating Procedures on file, and available upon request for inspection by the Division. The SOP must include:

    a. A documented food safety program and food safety plan. The plan must include worker training on proper food handling, hand washing, hair restraint, and use of gloves.

    b. Handling of Chemicals. Workers are trained on the proper use of chemicals, and containers used to store chemical solutions are clearly marked with the common name of the chemical, and instructions for proper use, and non-food containers are used to prepare and hold all chemical solutions.

    c. Pest Control. All pest control devices must be located away from products so as to avoid contamination. At least one pest control device should be within 10 feet of each side of an outside entrance. If used, poison bait stations are used exclusively on the outside of the building. If used, all live traps are placed a maximum of 30 feet apart and at entrances. All pest control devices are located on a map, which is kept on file according to Rule 3010.

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3. Corrective Action Preventative Action. A Regulated Natural Medicine Product Manufacturer shall establish and maintain written procedures for implementing Corrective Action and Preventive Action. The written procedures shall include the requirements listed below as determined by the Licensee. All activities required under this Rule, and their results, shall be documented and kept as business records. The written procedures shall include requirements, as appropriate, for:

   a. What constitutes a Nonconformance in the Licensee's business operation;

   b. Analyzing processes, work operations, reports, records, service records, complaints, returned product, and/or other sources of data to identify existing and potential root causes of Nonconformances or other quality problems;

   c. Investigating the root cause of Nonconformances relating to product, processes, and the quality system;

   d. Identifying the action(s) needed to correct and prevent recurrence of Nonconformance and other quality problems;

   e. Verifying the Corrective Action or Preventive Action to ensure that such action is effective and does not adversely affect finished products;

   f. Implementing and recording changes in methods and procedures needed to correct and prevent identified quality problems;

   g. Ensuring the information related to quality problems or Nonconformances is disseminated to those directly responsible for assuring the quality of products or the prevention of such problems; and

   h. Submitting relevant information on identified quality problems and Corrective Action and Preventive Action documentation, and confirming the result of the evaluation, for management review.

4. Adverse Health Event Reporting. All Natural Medicine Product Manufacturers shall follow the process in Rule 3015(A) to report any Adverse Health Events that they learn of.

5. Certificates of Analysis. All certificates of analysis provided to the Natural Medicine Product Manufacturer by a Natural Medicine Testing Facility for any Samples submitted shall be kept on file in accordance with Rule 3010.

F. Homogeneity of Regulated Natural Medicine Products. A Natural Medicine Product Manufacturer must ensure that its manufacturing processes are designed so that the psilocybin and psilocin content of any oral ingestion Regulated Natural Medicine Product is homogenous. All Regulated Natural Medicine Products must be submitted for homogeneity testing pursuant to Part 4 of these Rules.

G. Contaminated Product.

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1. If a Sample that was submitted for testing is contaminated or is found to contain pesticides, the Production Lot may not be remediated and must be destroyed according to Rule 3120.

2. If any Regulated Natural Medicine Product is exposed to blood or bodily fluids or is found to contain filth or foreign matter, it must be disposed of according to Rule 3120.

H. Requested Testing. A Natural Medicine Products Manufacturer Licensee shall, upon the Division's request, submit a sufficient quantity of Regulated Natural Medicine Product to a Natural Medicine Testing Facility for laboratory or chemical analysis in accordance with Rule 4020. The Division will notify the Licensee of the results of the analysis.

I. Storage and Packaging.

1. After manufacturing, Regulated Natural Medicine Products should follow best practices for storage prior to packaging.

2. All Regulated Natural Medicine Products must be packaged in units of no more than 10 milligrams of Total Psilocin and in accordance with Rule 3305.

2. If Regulated Natural Medicine Products are being transferred directly to a Facilitator, the product must be in child-resistant packaging.

J. Internal Audit. Natural Medicine Products Manufacturers must conduct an internal audit to assess that they are in substantial compliance with the requirements of this Rule 6015. A copy of the internal audit shall be retained as business records for one year.

Part 7 – Regulated Natural Medicine Testing Facility License Requirements

Please Note: *The Colorado Department of Public Health & Environment was delegated the authority in SB 23-290 and SB 24-198 to promulgate rules, including but not limited to:*

- *Establishing natural medicine and natural medicine product laboratory testing standards and requirements;*
- *Establishing a natural medicine independent laboratory testing certification program for licensees pursuant to article 50 of title 44, within an implementation time frame established by the DOR, requiring licensees to test natural medicine and natural medicine product to ensure, at a minimum, that products transferred for human consumption by persons licensed pursuant to article 50 of title 44 do not contain contaminants that are injurious to health and to ensure correct labeling; and*
- *Establishing procedures that require notification to the State Licensing Authority if test results indicate the presence of quantities of any substance determined to be injurious to health.*

DOR and CDPHE are coordinating closely through both agency rulemaking proceedings to proactively address and alleviate duplicating requirements and avoiding gaps between the rules. Natural Medicine Testing Facilities will be required to comply with both DOR and CDPHE rules.

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Basis and Purpose – 7005

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(4), 44-50-103(10), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(f), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-301(1), (2) and (4), and 44-50-404, C.R.S. The purpose of this Rule is to establish the privileges of a person that holds a Natural Medicine Testing Facility license including the privilege of co-locating a Natural Medicine Testing Facility License with a Licensed Marijuana Testing Facility or Certified Hemp Laboratory. This co-location privilege with different license types is exclusive to the Natural Medicine Testing Facility license type.

7005 – License Privileges

A. A Natural Medicine Testing Facility Licensee may only exercise the License privileges granted by the State Licensing Authority and these Rules, including conducting required and voluntary tests on Regulated Natural Medicine and Regulated Natural Medicine Product as requested by other Natural Medicine Business Licenses, the Division, the State Licensing Authority, and the Colorado Department of Public Health and Environment.

B. A Natural Medicine Testing Facility may be co-located with a Licensed Marijuana Testing Facility or a Certified Hemp Laboratory.

1. If a Natural Medicine Testing Facility is co-located with any of the above testing facilities, there must be separate storage areas for Samples of Regulated Natural Medicine or Regulated Natural Medicine Product, hemp test samples, and marijuana test samples.

2. Any shared equipment for different types of testing must be properly cleaned and sanitized between testing of Regulated Natural Medicine or Regulated Natural Medicine Product, hemp, and marijuana.

C. Testing of Regulated Natural Medicine or Regulated Natural Medicine Product Authorized. A Natural Medicine Testing Facility may accept and test Samples of Regulated Natural Medicine or Regulated Natural Medicine Product properly submitted by a Natural Medicine Business.

D. A Natural Medicine Testing Facility may transfer Samples to another Natural Medicine Testing Facility for testing.

E. A Natural Medicine Testing Facility must properly dispose of all Samples it receives, that are not transferred to another Natural Medicine Testing Facility, after all necessary tests have been conducted and any required period of storage, in accordance with Rule 3120.

F. A Natural Medicine Testing Facility must reject any Sample where the condition of the Sample indicates that the Sample may have been tampered with.

G. A Licensee may only exercise the License privileges of a Natural Medicine Testing Facility License if the Licensee meets all requirements for certification pursuant to Rule 7015 and any other rules required by the Department of Public Health and Environment to obtain and maintain certification.

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Basis and Purpose – 7010

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(4), 44-50-103(10), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(f), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-301(1), (2) and (4), and 44-50-404, C.R.S. The purpose of this Rule is to establish conduct that is strictly prohibited which includes conflicts of interest between Natural Medicine Testing Facilities and other Natural Medicine Businesses and transfers to any unlicensed person.

7010 – Prohibited Acts

A. A person who is an Owner Licensee of a Natural Medicine Testing Facility License may not have a financial interest in a Healing Center License, Natural Medicine Cultivation Facility License, or Natural Medicine Products Manufacturer License granted by the State Licensing Authority.

B. Conflicts of Interest. The Natural Medicine Testing Facility shall establish policies to prevent the existence of or appearance of undue commercial, financial, or other influences that may diminish the competency, impartiality, and integrity of the Natural Medicine Testing Facility's testing processes or results, or that may diminish public confidence in the competency, impartiality, and integrity of the Natural Medicine Testing Facility's testing processes or results. At a minimum, employees, owners or agents of a Natural Medicine Testing Facility who participate in any aspect of the analysis and results of a Sample are prohibited from improperly influencing the testing process, improperly manipulating data, or improperly benefiting from any on-going financial, employment, personal or business relationship with the Natural Medicine Business that provided the Sample.

C. Transfer to unlicensed person prohibited. A Natural Medicine Testing Facility shall not transfer any Regulated Natural Medicine or Regulated Natural Medicine Product to a person who does not hold a Natural Medicine Testing Facility License or a Facilitator licensed by the Department of Regulatory Agencies under article 170 of title 12 in accordance with Rule 5005. Only a Natural Medicine Handler Licensee or Owner Licensee may receive Regulated Natural Medicine and Regulated Natural Medicine Product on behalf of a Natural Medicine Business.

D. A violation of any test rule in this series of rules may be a Level I violation which is the highest severity violation under the penalty rules.

Basis and Purpose – 7015

The statutory authority for this rule includes but is not limited to sections 25-2.5-120, 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(4), 44-50-103(10), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(f), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-301(1), (2) and (4), and 44-50-404, C.R.S. The purpose of this Rule is to establish that a Natural Medicine Testing Facility is required to have both a License issued by the State Licensing Authority and a certification from the Colorado Department of Public Health and Environment before performing any tests on Natural Medicine. This rule further provides the potential consequences of a loss of the required certification and permits recertification.

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7015 – Certification Required

A. All Natural Medicine Testing Facilities licensed by the State Licensing Authority must be certified by the Colorado Department of Public Health and Environment in each of the testing categories required by these Rules. *See Part 4, Regulated Natural Medicine Testing Program*. Natural Medicine Testing Facilities must be accredited to ISO/IEC 17025:2017 and have each test type the Natural Medicine Testing Facility performs included on that Facility's scope of accreditation. ISO/IEC 17025 accreditation must be performed by an accrediting body that is ISO/IEC 17021-1:2015 accredited.

B. Certification Suspension. If the Colorado Department of Public Health and Environment suspends a Natural Medicine Testing Facility's certification to conduct required Regulated Natural Medicine test(s), the Licensee must immediately notify the Division and cease conducting any tests for which the Licensee has lost certification.

1. Upon notification that a Natural Medicine Testing Facility has lost certification to conduct required test(s) the State Licensing Authority may immediately suspend the Natural Medicine Testing Facility's License in accordance with Rule XXXX [*Placeholder*].

2. Upon notification that the public health, safety, or welfare imperatively require emergency action, the State Licensing Authority may immediately suspend the Natural Medicine Testing Facility's License in accordance with Rule XXXX[*Placeholder*].

C. Re-certification. A Natural Medicine Testing Facility must comply with Colorado Department of Public Health and Environment requirements in order to re-certify to conduct required testing. Upon re-certification, the Natural Medicine Testing Facility must notify the Division with written confirmation from the Department of Public Health and Environment that the Licensee is permitted to conduct required test(s) again.

Basis and Purpose – 7020

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(4), 44-50-103(10), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(f), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-301(1), (2) and (4), and 44-50-404, C.R.S. The purpose of this Rule is to establish minimum standard operating procedures a Natural Medicine Testing Facility must develop and maintain in compliance with these Rules.

7020 – Standard Operating Procedures

A. A Natural Medicine Testing Facility must have Standard Operating Procedures. A Standard operating procedure manual must include, but is not limited to, procedures for:

1. Sample receiving;

2. Sample accessioning;

3. Sample storage;

4. Identifying, rejecting, and reporting unacceptable Samples;

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5. Recording and reporting discrepancies during Sample receiving and accessioning;

6. Security of Samples, aliquots and extracts and records;

7. Validating a new or revised method prior to testing of Samples to include accuracy, precision, analytical sensitivity, analytical specificity (interferences), LOD, LOQ, and verification of the reportable range.

8. Sample preparation, including but not limited to, sub-sampling for testing, homogenization, and aliquoting Samples to avoid contamination and carry-over;

9. Sample archive retention to assure stability, as follows:

   a. For Samples submitted for testing other than Pesticide contaminant testing, Sample archive retention for 14 days;

10. Disposal of Samples;

11. The theory and principles behind each assay;

12. Preparation and identification of reagents, standards, calibrators and controls and ensure all standards are traceable to National Institute of Standards of Technology ("NIST");

13. Special requirements and safety precautions involved in performing assays;

14. Frequency and number of control and calibration materials;

15. Recording and reporting assay results;

16. Protocol and criteria for accepting or rejecting analytical procedure to verify the accuracy of the final report;

17. Pertinent literature references for each method;

18. Current step-by-step instructions with sufficient detail to perform the assay to include equipment operation and any abbreviated versions used by a testing analyst;

19. Acceptability criteria for the results of calibration standards and controls as well as between two aliquots or columns;

20. A documented system for reviewing the results of testing calibrators, controls, standards, and Sample results, as well as reviewing for clerical errors, analytical errors and any unusual analytical results and are corrective actions implemented and documented, and does the laboratory contact the requesting entity;

21. Policies and procedures to follow when Samples are requested for referral and testing by another certified Natural Medicine Testing Facility or an approved local state agency's laboratory;

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22. Investigating and documenting existing or potential Nonconformances and implementing Corrective Actions and/or Preventive Actions;

23. Contacting the requesting entity about existing Nonconformances; and

24. Retesting or additional analyses of Samples, including but not be limited to, when it is appropriate to retest or perform an additional analysis of the Sample, when it is appropriate for the requesting entity to request retesting (e.g., after failing Pesticide testing for microbial testing on Regulated Natural Medicine).

Basis and Purpose – 7025

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(4), 44-50-103(10), 44-50-104(1) and (3), 44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(f), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g)-(h), 44-50-301(1), (2) and (4), and 44-50-404, C.R.S. The purpose of this Rule is to establish the chain of custody requirements for licensed Natural Medicine Testing Facilities to document the condition in which Samples are received from Licensees and the entire chain of custody by the Natural Medicine Testing Facility.

7025 – Chain of Custody

A. General Requirements. A Natural Medicine Testing Facility must establish an adequate chain of custody and Sample requirement instructions that must include, but are not limited to:

1. Issue instructions for the minimum Sample requirements and storage requirements;

2. Document the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the Sample;

3. Document the condition and amount of Sample provided at the time of receipt;

4. Document all persons handling the original Sample, aliquots, and extracts;

5. Document all Transfers of Samples, aliquots, and extracts referred to another certified Natural Medicine Testing Facility Licensee for additional testing or whenever requested by a client;

6. Maintain a current list of authorized personnel and restrict entry to the laboratory to only those authorized;

7. Secure the Licensed Premises during non-working hours;

8. Secure short and long-term storage areas when not in use;

9. Utilize a secured area to log-in and aliquot Samples;

10. Ensure Samples are stored appropriately;

11. Document the disposal of Samples, aliquots, and extracts; and

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12. Document the License number, Inventory Tracking System number, photograph(s), and the reason for rejection of Samples that were rejected to the Division within 7 days of Sample submission.

Basis and Purpose – 7030

The statutory authority for this rule includes but is not limited to sections 44-50-102(1)(b), 44-50-102(1)(c), 44-50-102(3), 44-50-103(10), 44-50-104(1), 44-50-104(3), 44-50-202(a), 44-50-202(b), 44-50-202(f), 44-50-203, 44-50-301(4), and 44-50-404, C.R.S. The purpose of this rule is to set clear expectations around the notification requirements that apply to a Natural Medicine Testing Facility in the event of a failed test.

7030 – Notification

A. If Regulated Natural Medicine or Regulated Natural Medicine Product failed a contaminant microbial test, then the Natural Medicine Testing Facility must immediately:

1. Notify the Natural Medicine Business that submitted the Sample for testing; and

2. Report the failure in accordance with the inventory tracking reporting requirements in Rule XXXX[*Placeholder*].

DRAFT RULES

FACILITATORS

DEPARTMENT OF REGULATORY AGENCIES

DEPARTMENT OF REGULATORY AGENCIES

Office of Natural Medicine Licensure

NATURAL MEDICINE LICENSURE RULES AND REGULATIONS

4 CCR 755-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

…

1: GENERAL

1.1 Authority

These rules and regulations are adopted pursuant to the authority in sections 12-20-204 and 12-170-105(1)(a), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedure Act, sections 24-4-101, *et seq.*, C.R.S. (the "APA"), and the Natural Medicine Health Act of 2022 at sections 12-170-101, *et seq. and 44-50-101, et seq.*, C.R.S. (the "Practice Act").

1.2 Scope and Purpose

These rules and regulations shall govern the process to become licensed as a facilitator, to identify the requirements for approval of training programs for facilitators, and to identify the course content for training programs for facilitators in Colorado.

1.3 Applicability

These regulations are applicable to the requirements for obtaining and maintaining a license as a facilitator, for the practice of natural medicine facilitation, and for approval of educational programs in Colorado.

1.4 Definitions [RESERVED]

2: LICENSURE

A. Basis and Purpose

Section 2 of these Rules are intended to establish requirements for licensure as Facilitator, Clinical Facilitator, Distinguished Educator, and Training licensees.

B. Authority

Section 2 of these Rules are adopted pursuant to the authority in sections 12-20-204, 12-170-105(1)(a), and 24-4-103, C.R.S.

2.1 General Requirements for All Applicants

A. General Provisions. To be eligible to apply for any Facilitator license, an applicant must:

1. Be over the age of 21;

2. Provide proof of Basic Life Support or equivalent certification;

3. Submit a complete application, in a manner approved by the Director; and

4. Pay the application fee.

B. In evaluating applications, the Director will assess applicants who have been convicted of felony offenses against persons or property, or those felony offenses involving fraud, dishonesty, moral turpitude, domestic violence, child/elder abuse, drug diversion of any controlled substance other than those drugs defined as "natural medicine", or drug diversion involving "natural medicine" after November 30, 2022 consistently with the rehabilitation principles identified in sections 12-20-205 and 24-5-101, C.R.S. The Director will disregard any convictions that are barred from consideration by sections 12-20-404 and 12-30-121, C.R.S. . Examples of felony crimes that must be reported on an application include, but are not limited to, those felonies identified in Articles 3, 3.5, 4, 5, 6, 6.5, and 7 of Title 18 of the Colorado Revised Statutes and section 18-18-405, C.R.S. Convictions of corresponding felony offenses in another state or jurisdiction must be disclosed in applications.

C. The applicant bears the burden of proof to establish that they are qualified for licensure.

D. Any application not completed within one year of the date of receipt of the original application expires and will be purged.

E. Application fees will not be refunded.

F. Review of Applications.

1. The Director will review all applications and may request additional information, including verifications, if necessary. Upon review of a complete application, the Director may:

   a. Approve the application and issue the appropriate license type;

   b. Request the applicant take certain coursework on subjects that the applicant has not demonstrated competency for; or

   c. Deny the application for licensure.

2. If the Director authorizes licensure subject to conditions, and an applicant rejects the conditional terms, the offer for conditional licensure shall be deemed a denial of application.

3. The Director may deny an application if the applicant:

   a. Lacks the requisite substantially equivalent education, experience, or credentials for certification;

   b. Has committed an act that would be grounds for disciplinary action under Article 170 of Title 12, C.R.S.; or

   c. Has a pending disciplinary investigation or action in another jurisdiction.

4. If the Director denies an application, the applicant has 60 days to request a hearing on the denial. If requested, the Director will file a notice of denial with the office of administrative courts to adjudicate the merits of the denial, in accordance with section 24-4-105, C.R.S.

5. The Director may authorize an applicant to withdraw their application and waive the applicant's right to a hearing, if requested by the applicant.

G. Education, Training, or Service Gained During Military Service

1. Basis: The authority for promulgation of these rules and regulations by the Director is set forth in sections 12-20-202, 12-20-204, 12-170-105(1)(a)(IV), and 24-4-201 *et seq*., C.R.S.

2. Purpose: The following rules and regulations have been adopted by the Director to implement the requirements set forth in section 12-20-202(4), C.R.S., and to otherwise streamline licensure for applicants with relevant military education, training, or experience, pursuant to section 24-4-201, *et seq*., C.R.S.

3. Credit for Military Education, Training, or Experience

a. An applicant for licensure may submit information about the applicant's education, training, or experience acquired during military service. It is the applicant's responsibility to provide timely and complete information for the Board's review.

b. In order to meet the requirements for licensure, such education, training, or experience must be substantially equivalent to the required qualifications that are otherwise applicable at the time the application is received by the Director.

c. The Director will determine, on a case-by-case basis, whether the applicant's military education, training, or experience meet the requirements for licensure.

d. Documentation of military experience, education, or training may include, but is not limited to, the applicant's Certificate of Release or Discharge from Active Duty (DD-214), Verification of Military Experience and Training (DD-2586), military transcript, training records, evaluation reports, or letters from commanding officers describing the applicant's practice.

4. Military Experience as Demonstration of Continued Competency for Licensees

a. The practice of facilitation while an applicant is on active military duty shall be credited towards the requirements for demonstrating continued competency for facilitator licensure, reinstatement, or reactivation of a license.

b. Applicants with relevant military experience must otherwise comply with statutory requirements and the processes and requirements of Rule 2.1.

5. Healing Center Affiliation

a. Healing centers are licensed by the Department of Revenue and are governed by the provisions of section 44-50-101 *et seq*., C.R.S. and the implementing rules adopted by the Department of Revenue.

b. The license types of Facilitator and Clinical Facilitator are both considered to be full-scope license types and may practice facilitation in Colorado independently.

c. Distinguished Educator licensees and Student Facilitator licensees do not possess full-scope licensure, and cannot practice independently.

2.2 Facilitator: Original Licensure

A. Scope of Practice

1. An individual holding a Facilitator license is authorized independently to provide natural medicine services to those participants for whom a safety screen demonstrating generally accepted standards of practice does not identify risk factors suggesting a need for involvement of a medical or behavioral health provider.

2. Individuals holding licensure or authorization to practice a profession that does not diagnose and treat medical or behavioral health conditions may become licensed as a Facilitator licensee. If an individual holds licensure or authorization to practice a profession which is otherwise inconsistent with the practice limitations of facilitation, may not practice both professions simultaneously, and therefore may become licensed as a Facilitator licensee. Inconsistencies could arise regarding, for example, limitations on supportive touch which would prohibit certain simultaneous secondary practice. Indigenous and religious practitioners who choose to engage in the regulated practice of facilitation and who do not otherwise qualify for licensure as a Clinical Facilitator, may apply for a Facilitator license.

3. Applicants need not hold any secondary licensure. Individuals who have successfully completed an Approved Training Program and hold such certification, and who meet the general requirements for applicants in Rule 2.1, are eligible to apply for a Facilitator license.

4. A Facilitator licensee may not independently engage in the “practice of medicine,” as defined by section 12-240-107, C.R.S., in conjunction with the administration of natural medicine.

5. A Facilitator licensee may not independently practice “psychotherapy,” as defined by section 12-245-202(14), C.R.S., in conjunction with the administration of natural medicine.

6. A Facilitator shall utilize a safety screen meeting generally accepted standards of practice. Without further action as outlined in this Section 2.2, a facilitator may not independently provide natural medicine services to participants if the safety screen identifies risk factors that suggest the need for involvement of a medical or behavioral health provider. This limitation does not apply to participants whose conditions are in remission.

7. Facilitator licensees may not provide natural medicine services to participants who are taking lithium or antipsychotic medications.

8. A Facilitator licensee may provide natural medicine services to participants with risk factors as referred to in paragraphs 2.2(A)(6) or the medications identified in paragraph 2.2(A)(7) , if the participant has received a referral for natural medicine services, has been provided medical clearance by the participant’s medical or behavioral health provider, or has engaged in consultation and risk review with a medical or behavioral health provider. The provider may be licensed in Colorado or in the participant’s state of residence, but must be licensed to diagnose and treat the participant’s physical or behavioral health condition(s) identified as a risk factor(s) by the safety screening. If applicable, the Facilitator must document and maintain reasonable evidence of such consultation and risk review, and if the consultation and risk review identifies heightened risk associated with a specific condition, the participant must work with the Facilitator to develop a safety plan, informed by the consultation and risk review, and provide written

informed consent to work with the Facilitator. A Facilitator may decline to provide Natural Medicine Services to a participant for any health or safety reason.

9. A Facilitator licensee must recommend in writing that any prospective participant who is taking a psychotropic medication identified as a risk factor on the safety screen should obtain applicable medical and behavioral health clearance from a physician (MD) or (DO), an Advanced Nurse Practitioner (APN), a Physician Assistant (PA), or a Clinical Facilitator with prescribing authority prior to administering natural medicine services. If the consultation and risk review identify heightened risk associated with a specific medication, the participant must work with the Facilitator to develop a safety plan, informed by the medical consultation and review, and provide written informed consent to work with the Facilitator. A Facilitator may decline to provide Natural Medicine Services to a participant for any health and safety reasons.

B. License Requirements and Qualifications

1. In addition to the general requirements for licensure identified in paragraph 2.1, to obtain a Facilitator license, an applicant must successfully complete:

a. An Approved Facilitator Training Program that includes, at a minimum, the curriculum mandated by the Director (see education requirements in Rule 4);

b. 40 hours of supervised practicum training in the facilitation of natural medicine; and

c. 50 hours of consultation.

2. In the alternative, an applicant may demonstrate to the Director that they are eligible for licensure through completion of accelerated training pursuant to Rule 2.4.

3. Applicants must apply to renew their license prior to expiration.

2.3 Facilitator: Endorsement via Occupational Credential Portability Program

A. Pursuant to the Occupational Credential Portability Program under section 12-20-202(3), C.R.S., an applicant may apply for licensure as a Facilitator by endorsement in Colorado if the applicant is currently certified or otherwise licensed in good standing in another state or US territory or through the federal government, or holds a military occupational specialty, as defined in section 24-4-201, C.R.S., meets the general requirements for licensure set forth in Rule 2.1, and has submitted satisfactory proof under penalty of perjury that the applicant has either:

1. Education, experience, or credentials that are substantially equivalent to those required by Article 170 of Title 12, C.R.S.; or

2. Has held for at least one year a current and valid license as a Facilitator in a jurisdiction with a scope of practice that is substantially similar to the scope of practice for Facilitator licensees as specified in Article 170 of Title 12, C.R.S., and these rules.

2.4 Facilitator: Licensure via Accelerated Training (for Legacy Healers)

A. Applicants who are former legacy healers, and who do not hold a license or other credential to practice facilitation, may apply for licensure through an accelerated training pathway. In addition to the general requirements for licensure set forth in Rule 2.1, all applicants must demonstrate that:

1. The applicant has substantially equivalent education, experience, or credentials that are required by Article 170 of Title 12, C.R.S., which experience includes facilitation for at least 40 participants; with at least 200 hours of experience conducting administration sessions; and occurring over a period of at least two years;

2. The applicant has not committed an act that would be grounds for disciplinary action under Article 170 of Title 12, C.R.S.;

3. The applicant has submitted an application on the current Director approved form and has paid the application fee.

4. The applicant has demonstrated completion of Basic Life Support certification or equivalent.

5. The applicant has demonstrated successful completion of the 25-hour module/educational coursework on Ethics and Colorado Natural Medicine Rules and Regulations, set forth in Rule 2.6 (D)(5).

6. In their discretion, the Director will consider all supporting information in their determination of applications.

2.5 Clinical Facilitator: Original Licensure

A. Scope of Practice

1. Clinical Facilitator licensees may provide natural medicine services to participants for the purpose of treating physical or behavioral/mental health conditions. A Clinical Facilitator licensee must hold current and active Colorado licensure in a profession that authorizes them to diagnose and treat physical or behavioral/mental health conditions.

2. A Clinical Facilitator licensee shall utilize a safety screen meeting generally accepted standards of practice. A Clinical Facilitator may only treat medical or behavioral health conditions that are appropriately treated within the scope of their secondary (non-facilitation) license. No licensee is authorized to practice outside of or beyond their area of training, experience, competence, or secondary (non-facilitation) licensure. A Clinical Facilitator who does not manage or treat a participant's physical or mental condition (including conditions such as cardiovascular disease, uncontrolled hypertension, diseases of the liver, seizure disorders, severe chronic medical illness, or terminal illness) must contact the participant's treating provider prior to providing natural medicine services unless good cause exists. For example, good cause exists if there is no treating provider or if the participant's treating provider is employed by or contracted with a government or private entity that prohibits the treating provider from providing clearance. Clinical Facilitator Licensees who do not prescribe lithium or antipsychotic medications within the scope of their secondary license may not independently provide natural medicine services to participants who are taking such medications, without clearance from, or a consultation and risk review with a medical or behavioral health provider practicing within their scope of practice.

3. Nothing in this rule prevents a Clinical Facilitator from providing natural medicine services to a participant with risk factors identified in the safety screen required by Rule 2.2(A)(6) that fall outside of the Clinical Facilitator's scope of practice for their secondary license, provided the participant has received a referral for natural medicine services by the participant's treating medical or behavioral health provider, or has engaged in consultation and risk review with a medical or behavioral health provider. The participant's provider may be licensed in Colorado or in the participant's state of

residence, but must be licensed to diagnose and treat the participant's physical or behavioral health condition(s)identified as risk factor(s) by a safety screen. If applicable, the Clinical Facilitator must document and maintain reasonable evidence of such consultation and risk review, and if the consultation and risk review identifies heightened risk associated with a specific condition, the participant must work with the Clinical Facilitator to develop a safety plan, informed by the consultation and risk review, and provide written informed consent to work with the Clinical Facilitator. A Clinical Facilitator may decline to provide Natural Medicine Services to a participant for any health or safety reason.

4. When clinically appropriate, Clinical Facilitator licensees may advise and collaborate with Facilitator Licensees to provide natural medicine services for participants with physical or behavioral health risk factors.

5. To the extent that a Clinical Facilitator licensee provides facilitation services to participants that also include services within the scope of practice of their secondary license, the Director recommends that any evaluation of the licensee's performance of services be assessed first within the context of generally accepted standards of practice for facilitation of natural medicine services.

B. Status of Secondary License for Clinical Facilitator Licensees

1. If an individual holds a Clinical Facilitator license and a license issued by the Colorado Medical Board, the State Board of Nursing, or Mental Health Boards (secondary license), and the individual allows their secondary license to expire, or if the secondary license is inactivated, the Clinical Facilitator licensee may no longer practice as a Clinical Facilitator and may not endorse themselves as such.

2. Any Clinical Facilitator licensee whose secondary license is restricted, revoked, suspended, or otherwise limited must report the disciplinary action to the Director within 30 days.

C. Applications

1. To obtain a Clinical Facilitator license, an applicant must demonstrate:

a. The applicant holds an active and valid license in Colorado to practice any of the following:

(1) (PSY) Psychologist, (LSW) Licensed Social Worker, (LCSW) Licensed Clinical Social Worker, (MFT) Marriage and Family Therapist, (LPC) Licensed Professional Counselor, or (LAC) Licensed Addiction Counselor; or

(2) Medical Doctor (MD), Doctor of Osteopathic Medicine (DO), advanced practice nurse (APN), including Nurse Practitioner (NP), or Physician Assistant (PA).

b. Successful completion of a DORA Approved Facilitator Training Program, as set out in Rule 4, including 150 hours of didactic instruction, 40 hours of supervised practicum training in the facilitation of natural medicine, and 50 hours of consultation; and

c. The applicant meets the general requirements set forth in Rule 2.1.

D. These requirements may be modified if an applicant meets the criteria for accelerated training set forth in Rule 2.4.

E. Applicants must apply for renewal of license prior to expiration.

F. Alternative Educational Programs.

1. The Director may consider submission of successful completion of alternative educational programs or coursework in lieu of completion of the requirements set forth in the rules setting forth the required components for an Approved Facilitator Training Program. An applicant may petition the Director to consider such alternate educational coursework at the time of application, with submission of transcripts and any other descriptive course details as requested by the Director.

2.6 Clinical Facilitator: Accelerated Licensure

A. Applicants who hold secondary licensure as a medical or mental health licensee, as defined in Rule 2.5(C)(1), may meet certain requirements of the Facilitator educational curriculum through their secondary licensure education.

B. An applicant for a Clinical Facilitator license may petition the Director to consider any of their educational coursework and practice undertaken in the secondary field as substantially equivalent education or training, in lieu of completion of certain portions of an Approved Facilitator Training Program.

C. The burden is on the applicant to demonstrate that their educational coursework and practice in their secondary field is substantially equivalent to the educational requirements of an Approved Facilitator Training Program.

D. An applicant's complete application must include:

1. All of the general requirements set out in Rule 2.1;

2. Either successful completion of the didactic coursework from an Approved Facilitator Training Program or submission of successful completion of alternative coursework that is substantially equivalent;

3. 40 hours of supervised practicum training in the facilitation of natural medicine;

4. 50 hours of consultation; and

5. A 25 hour module on Ethics and Colorado Natural Medicine, including education on:

a. Colorado's Facilitator Code of Ethics;

b. Ethical considerations relating to equity, privilege, bias and power;

c. Awareness of increased vulnerability associated with altered states of consciousness;

d. Appropriate use of touch and participant consent to physical contact including the development, in a preparation session, of a Touch Contract;

e. Appropriate emotional and sexual boundaries between facilitators and participants both during the provision of natural medicine services and at other

times, potential harm to participants, and consequences for facilitators of breaching those boundaries;

f. Historical and contemporary abuse of power associated with natural medicine, including sexual, emotional, and physical abuse and implications for facilitators;

g. Financial conflicts of interest and duties to participants;

h. Ethical advertising practices;

i. Providing accurate information about current research on efficacy of natural medicines and facilitator scope of practice;

j. Reasonable expectations regarding client outcomes; and

k. Training in Colorado Natural Medicine rules and regulation.

2.7 Distinguished Educator License

A. Basis and Purpose: These rules have been adopted by the Director to specify standards related to the qualification and supervision of distinguished educator facilitators and to clarify application requirements for this license type.

B. Authority: The authority for promulgation of these rules by the Director is set forth in sections 24-4-103, 12-20-204(1), and 12-170-105(1)(a) and (c), C.R.S.

C. The Director recognizes that certain individuals have gained extensive experience or have otherwise gained noteworthy and recognized professional attainment in the field of natural medicine services. Individuals who are licensed in other jurisdictions, if such jurisdiction has a licensing procedure, or who are recognized as demonstrating significant professional achievement in another jurisdiction, may be granted a Distinguished Educator License to practice natural medicine services in Colorado, upon application to the Director in a manner determined by the Director, if the following conditions are met:

1. The applicant has been invited by a natural medicine education program in this state to serve as a member of its academic faculty for the period of their appointment;

2. The applicant’s natural medicine practice is limited to that required by their academic position, the limitation is so designated on the license in accordance with the Director’s procedure, and the natural medicine practice is also limited to healing centers or any other physical locations affiliated with the education program on which the applicant will serve as a faculty member;

D. Qualification Standards: The Director may consider the following qualification standards in their evaluation of an applicant for a Distinguished Educator License:

1. The applicant holds a current facilitator license in good standing in their home jurisdiction or in any other country.

2. The applicant's facilitator education and training meets or exceeds the minimum educational requirements for Facilitator licensure in Colorado.

3. The applicant holds a national or professional certification conferred by a national professional organization in the field of psychedelic medicine OR holds certification outside of the United States.

4. The applicant has undergone extensive clinical post-graduate training in facilitation.

5. The applicant has demonstrated recent clinical experience by being actively and continuously involved in the practice of facilitation for at least a two year period immediately preceding the filing of the application and has demonstrated expertise that meets or exceeds the clinical skills required by the faculty position.

6. The applicant has demonstrated teaching ability to include prior experience in an academic position, including other visiting professorships or professorships.

7. The applicant has published peer-reviewed articles or noteworthy research in respected medical or scientific publications.

8. The applicant's training, skills, talents or demonstrated experience as a teacher or mentor in natural medicines or in traditional or spiritual practices related to natural medicine facilitation will contribute uniquely to facilitator education in Colorado.

9. The applicant demonstrates that they will continue to contribute uniquely to facilitator education in Colorado during the ensuing period of licensure.

10. The applicant's other facilitator licenses and privileges are unrestricted and have not been subject to discipline by any licensing body or health care entity and the applicant is not under investigation by any licensing body or health care entity.

11. The applicant is free from prior malpractice judgments, settlements, or their equivalent.

12. The applicant should not have been convicted of any felony offenses against persons or property, or those involving fraud, dishonesty, moral turpitude, domestic violence, child/elder abuse, or drug diversion. Examples of such felony crimes include, but are not limited to, those felonies identified in Articles 3, 3.5, 4, 5, 6, 6.5, and 7 of Title 18 of the Colorado Revised Statutes and section 18-18-405, C.R.S. An applicant should not have been convicted of any corresponding felony offense in another state or jurisdiction. In considering applications from individuals with any of the identified felony convictions, the Director will apply rehabilitation principles identified in sections 12-20-205 and 24-5-101, C.R.S.

E. Application Requirements: An applicant for licensure as a Distinguished Educator should submit, in addition to the requirements in Rule 2.1:

1. A description of the applicant’s experience in their practice of facilitation, which may take the form of a CV but need not.

2. A letter from the Director of a DORA Approved Facilitation Training Program on which the applicant will serve, identifying:

   a. The applicant's proposed position, title, and term of appointment; and

   b. What role the applicant will serve in.

   c. The reasons recruitment outside Colorado for this position was or continues to be necessary, to include if salary was a motivating factor;

   d. How the applicant will uniquely enhance or has uniquely enhanced Facilitator education in this state;

e. How the applicant meets or continues to meet the Qualification Standards defined in this Rule to be eligible for this license type; and

f. Additional information which would assist the Director in understanding the reason for this appointment.

3. A biographical statement from the applicant, summarizing their qualifications to teach within their assigned subject matter. This statement should note the experience or qualifications of the instructor to provide educational instruction and/or student supervision. (Up to 500 words)

4. Attestation of additional materials collected by the training program to verify the experience and skill of the instructor (including, but not limited to, personal narratives, client references, community references, or professional references).

F. A Distinguished Educator License shall be in effect for a one-year term. Distinguished Educators must apply for renewal of their license annually.

G. For a renewal applicant for a Distinguished Educator License, the applicant may provide continued satisfaction of the Qualification Standards defined in this Rule through submission of the following:

1. An updated description of their experience;

2. An updated list of publications and teaching experience;

3. Continued education; and

4. Copies of the applicant's teaching evaluations or other program evaluations since the last renewal application.

5. Renewal applicants are encouraged to seek full licensure as a Facilitator or Clinical Facilitator. Renewal applicants will be encouraged to provide detailed information for the applicant's plans to obtain Facilitator or Clinical Facilitator licensure, pursuant to Rules 2.4 or 2.5, respectively.

H. A Distinguished Educator Licensee may only diagnose or treat medical or behavioral conditions if that individual also holds secondary licensure in Colorado, as identified in Rule 2.5(C)(1)(a).

I. Performance of Natural Medicine Services by Distinguished Educator Licensees

1. A Distinguished Educator licensee may only perform facilitation in the context of training programs.

2. A Distinguished Educator licensee may not accept payment or remuneration, other than their compensation from the educational institution, for facilitation services.

3. A Distinguished Educator licensee is not authorized to provide facilitation services at a healing center that is not affiliated with an Approved Facilitator Training Program unless the Distinguished Educator works directly with another Facilitator or Clinical Facilitator.

J. If a Distinguished Educator licensee becomes affiliated with another educational institution in Colorado, that licensee must notify DORA within 30 days on a DORA approved form. Such institution must also be an Approved Facilitator Training Program. This provision does not require a Distinguished Educator to notify DORA if they are affiliated with an educational institution that

does not provide facilitator training, nor does it require a Distinguished Educator to notify DORA of any facilitator training program affiliations outside of Colorado.

K. If a Distinguished Educator licensee no longer works at the Approved Facilitator Training Program their license is associated with, their license shall expire.

2.8 Training License

A. Any person training for licensure as either a Facilitator or Clinical Facilitator may do so for an aggregate period of up to two years under the authority of a Training license issued pursuant to these rules and without a license to practice facilitation issued pursuant to Rules 2.4 (Facilitator) or 2.5 (Clinical Facilitator).

B. No applicant shall be granted a Training license unless the person meets the following criteria:

1. The applicant has completed all didactic education requirements of an Approved Facilitation Training Program;

2. The applicant has successfully completed Basic Life Support or equivalent training; and

3. The person is not otherwise eligible for or licensed to practice as a Facilitator or Clinical Facilitator licensee.

C Practicum Requirement

1. Following completion of didactic educational requirements, Training licensees must complete 40 hours of supervised practicum.

2. Training licensees must operate under the supervision of a facilitator licensed within the state in which the training is provided and associated with a DORA Approved Training Program of who is willing to supervise their work as a training licensee.

3. Training licensees must participate in and document regular meetings (virtual or in person) with their supervising facilitator.

D. Consultation Requirement

1. Following successful completion of all didactic and practicum requirements, Training licensees must engage in consultation with an individual experienced in the provision of natural medicine services for a minimum of 50 hours, over a six (6) month period.

2. Consultation may be provided virtually.

3. Consultation may be provided in groups of up to 10 Training licensees.

4. Consultants must maintain documentation contemporaneously within the consultation period to reflect expectations of the period. Training licensees must maintain documentation of supervision hours. Consultants must verify documentation of hours associated with consultation activities.

5. Consultation must include 10 hours of ethical discussion focused on ethical issues that arise in the licensee’s work as facilitators.

6. Training licensees may charge for services they provide to participants during this 6-month consultation period.

7. Consultants should undertake case review of the training licensee's provision of natural medicine services.

8. Consultants must provide a structured evaluation addressing the following competencies assessed during the consultation period:

   a. Non-directive approach: Training licensees use a largely non-directive approach, being guided by the participant's experience, offering support in service of an unfolding inner-directed process. If the participant has a largely inward process, the training licensee does not interrupt this process to discuss traumatic material. A participant is allowed to have a largely inward process.

   b. Relational Boundaries and Use of Touch: Demonstrate knowledge of and initiate the use of healthy relational boundaries in psychedelic care contexts, including appropriate use of touch. Demonstrate healthy relational boundaries in psychedelic care contexts. Evaluate one's ability to maintain healthy relational boundaries in psychedelic care contexts. Demonstrate a knowledge of one's social identity as related to psychedelic care.

   c. Cultural Competence: Articulate how one's social identity informs one's approach to psychedelic care. Demonstrate how one's social identity interacts with the care receiver's social identity. Evaluate one's integration of how knowledge of social identity informs one's practice of psychedelic care. Articulate awareness upon reflection when a care encounter intersects or does not intersect with elements of one's social-cultural identity. Demonstrate awareness in the moment when a care encounter intersects or does not intersect with elements of one's social-cultural identity.

   d. Non-ordinary States of Consciousness: Describe one's beliefs about spirituality and/or religion or non-ordinary states of consciousness. Demonstrate how one's belief system may interact with the care participant's belief orientation when providing psychedelic care.

   e. Self-Care: Demonstrate active self-care practices, encourage the consulting facilitator to suggest the use of alternative practices, and frequently inquire about self-care activities and their effects. The consultant should help a newly-licensed facilitator how to recognize and address compassion fatigue and vicarious trauma in themselves. Discussion of physical, mental, and spiritual impacts of facilitation on the newly-licensed facilitators.

   f. Ethics: The training licensee engages in case review focused on ethical issues and engages on ethical decision-making as part of this review.

E. A Training license will expire after two years of receipt, if the Training licensee fails to complete their training program.

2.9 Renewal, Reinstatement, Inactivation, Reactivation

A. Renewal

The purpose of this Rule is to establish the qualifications and procedures for renewal of a license pursuant to sections 12-20-404(3), 12-20-202(1), 12-170-105(1)(a)(IV) and 12-170-105(1)(a)(II), C.R.S.

1. Facilitator and Clinical Facilitator Licensees:

a. Facilitator and Clinical Facilitator licensees must apply to renew their licenses, by completing a renewal application and paying the renewal fee.

b. A licensee shall have a sixty-day (60) grace period after the expiration of the license to renew such license without having to submit a reinstatement application. During this grace period, a delinquency fee will be charged for late renewals.

c. A licensee will be required on renewal to attest to completion of continuing education requirements set forth in Rule 5.4.

d. A licensee will be required on renewal to attest that they are free from prior malpractice judgments, civil settlements, or their equivalent.

e. A licensee who does not renew his or her license shall be ineligible to practice facilitation until such license is reinstated.

2. Distinguished Educator Licensees:

a. Distinguished Educator licensees must apply to renew their licenses every year, by completing a renewal application and paying the renewal fee.

b. As part of their renewal application, Distinguished Educator licensees must include:

(1) An updated curriculum vitae;

(2) An updated list of publications and teaching experience;

(3) Continued post-graduate education; and

(4) Copies of the applicant's teaching evaluations since the last renewal application.

c. Applicants for renewal of a Distinguished Educator license may be asked to attest to their continued eligibility for such a license, including but not limited to requirements regarding malpractice or civil actions, current teaching positions,

d. Distinguished Educator licensees may be asked to provide detailed information for their plan to obtain Colorado licensure as a Facilitator or Clinical Facilitator, as appropriate.

3. Training License

a. A Training license is not eligible for renewal.

B. Reinstatement of an Expired License

1. Basis and Purpose and Authority.

The purpose of this Rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to sections 12-20-202, 12-20-404(3), 12-170-105(1)(a)(II), and 12-170-(105)(1)(a)(IV), C.R.S.

a. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.

b. If the license has been expired for more than two (2) years an applicant must demonstrate "competency to practice" under section 12-20-202(2)(c)(II), C.R.S., as follows:

(1) A license from another state that is in good standing for the applicant where the applicant demonstrates active practice; or

(2) Proof of other education, experience or activities, as determined by the Director, on a case-by-case basis.

C. Inactivation of an Active License

1. Any licensee whose Facilitator or Clinical Facilitator license is in good standing, and who does not have a pending investigation or disciplinary action, may inactivate their license by submitting a request to the Director.

D. Reactivation of an Inactive License

1. Upon application, a licensee with an inactive Facilitator or Clinical Facilitator license may seek to reactivate their license.

2. An applicant seeking to reactivate an inactive license must complete a reactivation application and pay a fee.

3. If the license was inactivated for more than two (2) years, an applicant must demonstrate "competency to practice" under section 12-20-202(2)(c)(II), C.R.S., as follows:

a. A license from another state that is in good standing for the applicant where the applicant demonstrates active practice; or

b. Proof of other education, experience or activities, as determined by the Director, on a case-by-case basis.

3: EXPERIENCE AND EDUCATION REQUIREMENTS FOR FACILITATOR AND CLINICAL FACILITATOR LICENSEES

3.1 Education and Experience Requirements for Facilitator and Clinical Facilitator Licensees

A. General requirements for Training Hours, Supervised Practicum Experience, and Consultation.

1. Except as specifically authorized in alternative pathways to licensure in Rules 2.3 (Facilitator: Endorsement via Occupational Credential Portability Program), 2.4 (Facilitator: Licensure via Accelerated Training (for Legacy Healers)), and 2.6 (Clinical Facilitator: Accelerated Licensure), applicants for licensure as a Facilitator or Clinical Facilitator must complete at least 150 hours of didactic instruction, at least 40 hours of supervised practicum experience, and at least 50 hours of consultation.

a. For training hours that are not conducted in person, at least 50 percent of the training hours shall be conducted using synchronous learning tools, that is,

instructor and learner must engage with the course content and each other at the same time, although from different locations.

3.2 Required Education and Training for Facilitator and Clinical Facilitator

A. Didactic Education - Curriculum Requirements

1. Applicants for Facilitator and Clinical Facilitator licenses must demonstrate that they have completed a DORA Approved Facilitator Training Program. If the Applicant has completed a DORA Approved Facilitator Training Program, the applicant may submit proof of successful completion of the program to meet this requirement.

2. Applicants for Facilitator and Clinical Facilitator licenses must demonstrate completion of didactic education consisting of a minimum of 150 hours of instruction, on the following topics:

a. Facilitator Best Practices (5 hours)

(1) Awareness of the facilitator's personal bias, including examination of the facilitator's motives and the potential issues surrounding transference and countertransference;

(2) Awareness of the "state of the field" in terms of research on natural medicines and how to present this information to participants in a way that is accurate and unbiased;

(3) Awareness of new research related to safety and ethics of providing psilocybin services and resources for professional development following program completion; and

(4) Appropriate measures to mitigate risks associated with psilocybin services, including harm reduction, de-escalation, and conflict resolution.

b. Ethics and Colorado Natural Medicine Rules and Regulations (25 hours)

(1) Colorado's Facilitator Code of Ethics;

(2) Ethical considerations relating to equity, privilege, bias, and power;

(3) Awareness of increased vulnerability associated with altered states of consciousness;

(4) Appropriate use of touch and participant consent to physical contact, including the development of a Touch Contract in preparation session;

(5) Financial conflicts of interest and duties to participants;

(6) Ethical advertising practices;

(7) Providing accurate information about current research on the efficacy of natural medicines and facilitator scope of practice;

(8) Reasonable expectations regarding client outcomes; and

(9) Training in Colorado Natural Medicine rules and regulations.

c. Relation Boundaries and Introduction to Physical Touch (10 hours)

(1) Defining and holding boundaries in the facilitation of natural medicines;

(2) Historical and contemporary abuse of power and boundary violations associated with natural medicine, including sexual, emotional, and physical abuse, and implications for facilitators;

(3) Appropriate emotional and sexual boundaries between facilitators and participants both during the provision of natural medicine services and at other times;

(4) Potential harm to participants for boundary and touch violations;

(5) Consequences for facilitators for breaching relation boundaries;

(6) Consequence for facilitators for breaching the touch contract;

(7) Active monitoring of client-facilitator boundaries, specifically boundaries related to consent and touch;

(8) Participant directed discussion of touch contract to address personalized boundaries around touch, limitations of capacity to request additional touch once natural medicine has been ingested, and the possibility of requesting a co-facilitator and/or videotaping of administration session; and

(9) Practical training and experience in an introduction to the appropriate use of touch during the facilitation of natural medicine.

d. Physical and Mental Health and State (25 hours)

(1) Training in therapeutic presence, including compassionate presence, client communication, openness, receptivity, groundedness, self-awareness, empathy, and rapport, including a non-directive facilitation approach, cultural attunement, and a nonjudgmental disposition;

(2) Response to psychological distress and creating a safe space for difficult emotional experiences;

(3) Training on how facilitators manage self-care;

(4) Identification and facilitation of a variety of subjective natural medicine experiences, including experiences related to physiological sensations, cognitive, emotional, and mystical states, and traumatic memories;

(5) Appropriate modes of intervention for mental health concerns, understanding when intervention is necessary, and when a client may need a higher level of care;

(6) Appropriate modes of intervention for physical health concerns, understanding when intervention is necessary, and when a client may need a higher level of care;

(7) Training in the use of Natural Medicines for chronic pain;

(8) Recognizing and addressing adverse medical and/or behavioral reactions and implementation of a safety plan when necessary;

(9) Scenario training for navigating challenging and unusual situations; and

(10) Models of substance abuse, addiction, and recovery.

e. Drug Effects, Contraindications, and Interactions (5 hours)

(1) Pharmacodynamics and pharmacokinetics of natural medicine;

(2) Physical reactions and side effects of natural medicine;

(3) Drug and supplement interaction;

(4) The metabolism of natural medicine;

(5) The primary effects and mechanisms of action of natural medicines on the brain; including connectivity in the brain and activation of serotonin receptors; and

(6) Awareness of medical, mental health, and pharmaceutical contraindications for natural medicine services.

f. Introduction to Trauma Informed Care (10 hours)

(1) Trauma-informed care, including the physiology of trauma, vicarious trauma, empathic stress, and compassion fatigue;

(2) Trauma-informed communication skills;

(3) Training in how to recognize when someone may be dissociation or going into a trauma response;

(4) Training in understanding sympathetic and parasympathetic nervous system response; and

(5) Role play scenarios focused on helping regulate when participants are in a traumatic stress response.

g. Introduction to Suicide Risk (5 hours)

(1) Understanding suicidality, suicidal ideation, self-injury, and models of assessing risk;

(2) Basics of suicide risk assessment;

(3) How to refer and/or seek emergency mental health services when suicide risk is severe; and

(4) Basics of creating a Mental Health Safety Plan.

h. Indigenous, Social, and Cultural Considerations (10 hours)

(1) Historical and indigenous modalities of preparation and use of natural medicines;

(2) Current and historical use of plant and fungal medicines in indigenous and Western cultures;

(3) Information about the practice of Curanderismo and traditional training for the use of natural medicines;

(4) The Controlled Substance Act and its effect on natural medicine services in indigenous and Western cultures and implications for facilitators;

(5) Cultural equity, its relationship to health equity, and social determinants of health;

(6) Racial justice, including the impact of race and privilege on health outcomes and the impact of systemic racism on individuals and communities;

(7) The impact of drug policy on individuals and communities, especially underrepresented, marginalized, and under-resourced communities;

(8) History of systemic inequity, including systemic inequity in the delivery of healthcare, mental health, and behavioral health services;

Intergenerational trauma;

(9) Understanding of how racial and cultural dynamics affect interactions between facilitator and participant; and

(10) Identification of the unique psychological, physical, and socio-cultural needs presented by persons with terminal illness and awareness of the appropriate knowledge, skills, and approach needed to provide safe facilitation to such persons in a manner consistent with client goals, values, heritage, and spiritual practices.

i. Screening (5 hours)

(1) Discussion of participant’s reasons for seeking natural medicine services;

(2) Completion of the mandated screening form;

(3) How to conduct screening for pertinent physical and mental health concerns;

(4) Helping participants connect with different facilitators if needed; and

(5) Role play scenarios of screening sessions.

j. Preparation (10 hours)

(1) How to obtain informed consent;

(2) How to complete and collect participant information forms and intake interviews;

(3) Providing accurate information about current research on the efficacy of natural medicines and facilitator scope of practice;

(4) Discussion of the concept of trusting inner guidance, which may include discussion of topics such as Inner Healing Intelligence, Inner Genius, The Self, Wise Mind, Soul, or Spirit;

(5) Using intake and screening information to assist participants in identifying the benefits of referral to specialized treatment services;

(6) Discussion of the facilitator's role and the limits of the facilitator's scope of practice;

(7) Discussion of the state of scientific research for natural medicines and limitations of this research;

(8) Discussion of "set and setting," including environmental considerations for administration sessions such as lighting, sound, and temperature;

(9) Discussion of the reasonable expectations regarding client outcomes;

(10) Identification of participant safety concerns, including medical history, contraindicated medication, and psychological instability;

(11) Appropriate strategies to discuss facilitator safety concerns, including but not limited to identification of participant's support system;

(12) Determination of whether the participant should participate in the administration session;

(13) Participant directed discussion of a safety plan to address identified safety concerns and transportation plan for the administration session; and

(14) Historical and indigenous modalities of preparation for facilitation and administration of natural medicines.

k. Administration (10 hours)

(1) Dosing strategies and considerations, including the following:

(a) Experiential differences relating to differing dosages;

(b) Physiological considerations in relation to dosage;

(c) Delivery mechanisms of natural medicine; and

(d) Use of secondary doses.

(2) Skills to help facilitators handle natural medicine material effectively, Including the following:

(a) Hygiene while handling material; and

(b) Assessing material for potential spoilage, contamination, and other concerns.

(3) Effectively working with challenging behaviors during administration sessions, including the following:

(a) Unexpected client disclosures;

(b) Substance-induced psychosis; and

(c) Suicidality.

(4) Traumatic stress and its manifestation during natural medicine experiences and appropriate facilitator response, including the following:

(a) Trauma's relationship to the body;

(b) Repressed trauma emerging during natural medicine experience;

(c) Trauma and traumatic stress resulting from systemic oppression;

(d) Safety for trauma resolution and risks associated with re-traumatization; and

(e) Protocols ensuring facilitator safety and responding to emergencies.

(5) "Set and setting" environmental considerations for administration sessions, such as lighting, sound, and temperature.

(6) Completion of administration session, including implementation of transportation plan

l. Integration (10 hours)

(1) Training on how to conduct an integration session;

(2) Identification of appropriate resources that may assist participants with integration, including resources for:

(a) Interpreting feelings and emotions experienced during administration sessions;

(b) Facilitation of positive internal and external changes; and

(c) Enhancement of existing supportive relationships;

(3) Identification of participant client safety concerns;

(4) Facilitator scope of practice; and

(5) Discussion of appropriate intervals between administration sessions and related safety concerns.

m. Group Facilitation (10 hours)

(1) Training in how to conduct groups, including proper ratios for participants and group facilitators;

(2) Special considerations regarding group administration of natural medicine, including understanding boundaries and touch between group members and between group members and facilitators;

(3) Skills required to facilitate natural medicine group sessions, including, but not limited to:

(a) Group preparation sessions;

(b) Group integration sessions; and

(c) Regulatory requirements for group facilitation;

I. Role play scenarios regarding navigation of challenging and unusual situations when facilitating groups.

n. Facilitator Development and Self-Care (10 hours)

(1) Facilitator self-care as a participant safety concern and facilitator ethical requirements;

(2) How to identify when a facilitator is not in a space to facilitate and what to do about it (including discussion of countertransference);

(3) How facilitators keep themselves safe while working with participants;

(4) How a facilitator can prepare themselves for facilitation; and

(5) How a facilitator can decompress after facilitation.

3.3 Facilitator Supervised Practice Requirements

A. Who may serve as a Supervisor

Until March 31, 2025, a supervisor must be affiliated with an Approved Training Program and may be licensed as a Facilitator, Clinical Facilitator, or Distinguished Educator. Individuals who are

serving as supervisors prior to the Office of Natural Medicine's issuance of licenses must be eligible and qualified to seek licensure. The affiliation between an Approved Training Program and a supervisor may occur through an established relationship with a Healing Center or other affiliation, as determined by the Approved Training Program. As of March 31, 2025, all supervisors must hold licensure as a Facilitator, Clinical Facilitator, or Distinguished Educator.

B. Experience with non-ordinary states of consciousness

Programs must require students to complete supervised practice training that provides an opportunity to experience, facilitate, and observe the facilitation of non-ordinary states of consciousness.

C. Supervised in-person training – observers and assistants

Supervised practice may include in-person training where students can experience, observe, and assist in facilitating natural medicine services under the supervision of qualified training faculty. Supervised practice may also include placement at a practicum site where students can observe and assist in facilitation of natural medicine services under the supervision of a practicum site supervisor.

D. Practicum sites allowed

1. Any licensed Healing Center can serve as a practicum site. If a training program uses a Healing Center as a practicum site to satisfy the requirements of this rule, the training program shall notify the Program Director in a form and manner prescribed by the Program Director

2. A practicum site must obtain written participant consent prior to allowing a participant to be observed by practicum students and prior to sharing any participant information with practicum students or a training program. A practicum site must notify participants of the identity of the supervising facilitator.

3. The practicum site supervisor is primarily responsible for developing students' practicum skills and evaluating students' practicum performance, focusing on services with participants.

E. Substitutes for in-person training

Where supervised in-person training during natural medicine services is not available or accessible, supervised practice training may additionally include but is not limited to observation of taped facilitation sessions that were recorded with participants' consent, apprenticeship in a psychedelic peer support organization, role playing, and experience with altered states of consciousness that are not drug-induced, for example breath work, meditation or spiritual journeys.

F. Minimum Practicum Hours Required. Supervised practice training, otherwise referred to as a practicum, must include a minimum of 40 hours of supervised practice training, at least 30 hours of which is comprised of time spent in administration sessions.

Supervised practicum hours spent during administration sessions should be comprised of at least 30 hours of direct practice experience, in which students directly experience, co-facilitate, or observe participants or other trainees receiving natural medicine services or directly participate in alternative supervised practice activity as described in Rule 3.3(C). The remaining ten hours (minimum) may consist of consultation regarding the student's provision of natural medicine services in administration sessions.

G. Except as authorized by subparagraph (E) of this Rule, all supervised practice training must be conducted in person.

4: APPROVED FACILITATOR TRAINING PROGRAMS

4.1 Requirements for Approval of Facilitator Training Programs

A. Authority.

The authority for adoption of these Rules is set forth in sections 12-20-204, 12-170-105(1)(a)(II)(B), 12-170-105(1)(a)(IV), and 12-170-105(1)(a)(V), C.R.S.

B. Purpose**:** To specify procedures and criteria relating to the approval of Facilitator Training Programs, with the goals:

1 To promote and regulate educational processes that prepare graduates for safe and effective facilitation of natural medicine;

2. To provide criteria for the development and approval of new and established Approved Facilitator Training Programs; and

3. To provide procedures for the withdrawal of approval from Approved Facilitator Training Programs.

C. Purpose of Approval

1. To establish eligibility of graduates of approved programs to apply for facilitator licensure.

2. Following an approval of a training program by the Director, such training program shall be certified and authorized to provide facilitator training programs

D. Approval must be granted before coursework can commence.

1. An education program that wishes to receive approval under this rule must apply to the Office of Natural Medicine and receive approval before it begins offering classes.

2. The application materials must include course outlines for every training hour along with an explanation of how that course meets one of the course requirements described in this Rule and proposed program requirements for students to complete their practicum requirements. If the education program intends to offer consultation for newly-licensed facilitators, the application must also address the training program's plan to satisfy consultation requirements.

3. The application materials must include the time period within which students must complete the proposed training program.

4. When a program receives approval, the program may advertise:

a. That the education program has been approved by the Office of Natural Medicine to meet the training requirements of this rule, using the words "DORA Approved Facilitator Natural Medicine Training Program;" and

b. That those students who successfully complete the program will have met all of the training program/educational and experiential requirements for a Facilitator license under this Rule, other than basic life support.

5. When a program receives approval, the program must advertise:

    a. Transparent communication regarding all fees to be charged for the entirety of the training program, including costs for didactic study, supervised practice, any consultation fees, and whether the Approved Facilitator Training Program will pay the cost of a Training license for its students and/or the cost of a Facilitator or Clinical Facilitator licensure application fee at the completion of the student's training program.

6. Pre-Approval.

    a. Prior to official applications and approval, an education program that wishes to receive approval may submit a request for pre-approval by the Office of Natural Medicine.

    b. Education programs that receive pre-approval may operate and offer courses based on Office of Natural Medicine pre-approval.

    c. The pre-approval process will only be available while the Office of Natural Medicine establishes its approval process. Upon completion, the pre-approval process will end. No applicant shall have a right to utilize a pre-approval process following the Office of Natural Medicine's establishment of an approval process.

    d. Applicants for pre-approval will be required to submit the same application fee and information.

E. Standards for Approving an Approved Facilitator Training Program

1. All education programs must conform to generally accepted standards of education for facilitators.

2. Any education program in this state desiring to receive approval from the Office of Natural Medicine for its program that prepares individuals for licensure as a natural medicine facilitator shall apply to the Office of Natural Medicine and submit evidence that it is prepared to carry out training curriculum that complies with the provision of Title 12, Article 170, C.R.S. and with rules adopted by the Office of Natural Medicine.

3. Facilitator Training Program organization and administration:

    a. The organization, administration and implementation of an Approved Facilitator Training Program must be consistent and compliant with the Natural Medicine Health Act, the Office of Natural Medicine's rules, regulations and policies, and state law. An Approved Facilitator Training Program's organization and administration must secure, maintain, and be able to document the existence of:

        (1) For programs enrolling 50 or more students annually, a governing body that has legal authority to conduct an education and training program, determine general policy, and assure adequate financial support. For programs enrolling fewer than 50 students annually, a named Director that has legal authority to conduct an education and training program, determine general policy.

(2) Sufficient financial resources to fulfill its commitments to students and meet the training program's financial obligations.

(3) An organizational chart for the Approved Facilitator Training Program demonstrating the relationship of the program to the governing body administration and clearly delineating the lines of authority, responsibility, channels of communication and internal organization.

(4) Statements of mission, purpose, and outcome competencies for Office of Natural Medicine approval, established and biennial reviewed by the Approved Facilitator Training Program.

(5) Standards for recruitment, advertising, and refunding tuition and fees, which must be consistent with generally accepted standards and applied by the governing body.

(6) Student policies that are accurate, accessible to the public, non-discriminatory, and consistently applied.

(7) A plan demonstrating how the program will support student behavioral and physical health, learning, equitable access, career advisement, and provide disability accommodations.

(8) Records for all written complaints about the Approved Facilitator Training Program and how the program addressed each complaint, which must be available for public and Office of Natural Medicine review.

(9) Teaching and learning environment conducive to student learning.

4. Faculty Composition: The composition of faculty at an Approved Facilitator Training Program must include, at a minimum:

a. The number of faculty sufficient to prepare the students to achieve the objectives of the Approved Facilitator Training Program and to ensure participant safety.

b. There must be a minimum of two faculty for an Approved Facilitator Training Program, one of whom may be a licensed Facilitator and one of whom may be the director of the Approved Facilitator Training Program. On and after January 1, 2026, each Approved Facilitator Training Program must have at least one licensed Facilitator or Clinical Facilitator.

c. There must be a sufficient number of faculty for each specialty area to provide adequate supervision to students.

5. Director of each Approved Facilitator Training Program

a. Each Approved Facilitator Training Program must have a director with the following responsibilities:

(1) Insuring and documenting the Approved Facilitator Training Program compliance with the Natural Medicine Health Act, the Office of Natural Medicine's rules and regulations, and all other state laws and regulations.

(2) Providing a current written job description to the Office of Natural Medicine for all faculty positions.

(3) Developing and coordinating the use of educational facilities and practicum resources.

(4) Identifying and advocating for services needed by students in the Approved Facilitator Training Program.

(5) Acting as liaison with the Office of Natural Medicine.

(6) Developing and maintaining ongoing relationships within the community, including fostering the Approved Facilitator Training Program's responsiveness to community/employer needs.

(7) The director of each Approved Facilitator Training Program remains responsible for the above duties, even if they delegate those duties to another person.

b. The director of the Approved Facilitator Training Program must possess the following qualifications:

(1) An active, unencumbered license to practice as a Facilitator or an active, unencumbered secondary professional license that would qualify for eligibility, pursuant to Rule 2.5(c)(1)(a), for licensure as a Clinical Facilitator in Colorado; and

(2) Documented knowledge and skills related to teaching adults, teaching methodology, curriculum development, and curriculum evaluation.

6. Facilitator Training and Educational Program Curriculum

a. Programs should include content fundamental to the knowledge and skills required for the preparation, administration, and integration of natural medicine with participants.

b. The curriculum offered in an Approved Facilitator Training Program should be developed to:

(1) Reflect consistency between the mission, outcomes, curriculum design, course progression, and learning outcomes of the Approved Facilitator Training Program.

(2) Be organized and sequenced logically to facilitate learning; and

(3) Include 150 course hours of instruction.

F. Curriculum Requirements

1. Approved Facilitator Training Programs must offer coursework of at least 150 hours, on the following topics:

a. Facilitator Best Practices (5 hours)

(1) Awareness of the facilitator's personal bias, including examination of the facilitator's motives and the potential issues surrounding transference and countertransference;

(2) Awareness of the "state of the field" in terms of research on natural medicines and how to present this information to participants in a way that is accurate and unbiased;

(3) Awareness of new research related to safety and ethics of providing psilocybin services and resources for professional development following program completion; and

(4) Appropriate measures to mitigate risks associated with psilocybin services, including harm reduction, de-escalation, and conflict resolution.

b. Ethics and Colorado Natural Medicine Rules and Regulations (25 hours)

(1) Colorado's Facilitator Code of Ethics;

(2) Ethical considerations relating to equity, privilege, bias, and power;

(3) Awareness of increased vulnerability associated with altered states of consciousness;

(4) Appropriate use of touch and participant consent to physical contact, including the development of a Touch Contract in preparation session;

(5) Financial conflicts of interest and duties to participants;

(6) Ethical advertising practices;

(7) Providing accurate information about current research on the efficacy of natural medicines and facilitator scope of practice;

(8) Reasonable expectations regarding client outcomes; and

(9) Training in Colorado Natural Medicine rules and regulations.

c. Relation Boundaries and Introduction to Physical Touch (10 hours)

(1) Defining and holding boundaries in the facilitation of natural medicines;

(2) Historical and contemporary abuse of power and boundary violations associated with natural medicine, including sexual, emotional, and physical abuse, and implications for facilitators;

(3) Appropriate emotional and sexual boundaries between facilitators and participants both during the provision of natural medicine services and at other times;

(4) Potential harm to participants for boundary and touch violations;

(5) Consequences for facilitators for breaching relation boundaries;

(6) Consequence for facilitators for breaching the touch contract;

(7) Active monitoring of client-facilitator boundaries, specifically boundaries related to consent and touch;

(8) Participant directed discussion of touch contract to address personalized boundaries around touch, limitations of capacity to request additional touch once natural medicine has been ingested, and the possibility of requesting a co-facilitator and/or videotaping of administration session; and

(9) Practical training and experience in an introduction to the appropriate use of touch during the facilitation of natural medicine.

d. Physical and Mental Health and State (25 hours)

(1) Training in therapeutic presence, including compassionate presence, client communication, openness, receptivity, groundedness, self-awareness, empathy, and rapport, including a non-directive facilitation approach, cultural attunement, and a nonjudgmental disposition;

(2) Response to psychological distress and creating a safe space for difficult emotional experiences;

(3) Training on how facilitators manage self-care;

(4) Identification and facilitation of a variety of subjective natural medicine experiences, including experiences related to physiological sensations, cognitive, emotional, and mystical states, and traumatic memories;

(5) Appropriate modes of intervention for mental health concerns, understanding when intervention is necessary, and when a client may need a higher level of care;

(6) Appropriate modes of intervention for physical health concerns, understanding when intervention is necessary, and when a client may need a higher level of care;

(7) Training in the use of Natural Medicines for chronic pain;

(8) Recognizing and addressing adverse medical and/or behavioral reactions and implementation of a safety plan when necessary;

(9) Scenario training for navigating challenging and unusual situations; and

(10) Models of substance abuse, addiction, and recovery.

e. Drug Effects, Contraindications, and Interactions (5 hours)

(1) Pharmacodynamics and pharmacokinetics of natural medicine;

(2) Physical reactions and side effects of natural medicine;

(3) Drug and supplement interaction;

(4) The metabolism of natural medicine;

(5) The primary effects and mechanisms of action of natural medicines on the brain; including connectivity in the brain and activation of serotonin receptors; and

(6) Awareness of medical, mental health, and pharmaceutical contraindications for natural medicine services.

f. Introduction to Trauma Informed Care (10 hours)

(1) Trauma-informed care, including the physiology of trauma, vicarious trauma, empathic stress, and compassion fatigue;

(2) Trauma-informed communication skills;

(3) Training in how to recognize when someone may be dissociation or going into a trauma response;

(4) Training in understanding sympathetic and parasympathetic nervous system response; and

(5) Role play scenarios focused on helping regulate when participants are in a traumatic stress response.

g. Introduction to Suicide Risk (5 hours)

(1) Understanding suicidality, suicidal ideation, self-injury, and models of assessing risk;

(2) Basics of suicide risk assessment;

(3) How to refer and/or seek emergency mental health services when suicide risk is severe; and

(4) Basics of creating a Mental Health Safety Plan.

h. Indigenous, Social, and Cultural Considerations (10 hours)

(1) Historical and indigenous modalities of preparation of natural medicines;

(2) Current and historical use of plant and fungal medicines in indigenous and Western cultures;

(3) Information about the practice of Curanderismo and traditional training for the use of natural medicines;

(4) The Controlled Substance Act and its effect on natural medicine services in indigenous and Western cultures and implications for facilitators;

(5) Cultural equity, its relationship to health equity, and social determinants of health;

(6) Racial justice, including the impact of race and privilege on health outcomes and the impact of systemic racism on individuals and communities;

(7) The impact of drug policy on individuals and communities, especially underrepresented, marginalized, and under-resourced communities;

(8) History of systemic inequity, including systemic inequity in the delivery of healthcare, mental health, and behavioral health services;

(9) Intergenerational trauma;

(10) Understanding of how racial and cultural dynamics affect interactions between facilitator and participant; and

(11) Identification of the unique psychological, physical, and socio-cultural needs presented by persons with terminal illness and awareness of the appropriate knowledge, skills, and approach needed to provide safe facilitation to such persons in a manner consistent with client goals, values, heritage, and spiritual practices.

i. Screening (5 hours)

(1) Discussion of participant's reasons for seeking natural medicine services;

(2) Completion of the mandated screening form;

(3) How to conduct screening for pertinent physical and mental health concerns;

(4) Helping participants connect with different facilitators if needed; and

(5) Role play scenarios of screening sessions.

j. Preparation (10 hours)

(1) How to obtain informed consent;

(2) How to complete and collect participant information forms and intake interviews;

(3) Providing accurate information about current research on the efficacy of natural medicines and facilitator scope of practice;

(4) Discussion of the concept of trusting inner guidance, which may include discussion of topics such as Inner Healing Intelligence, Inner Genius, The Self, Wise Mind, Soul, or Spirit;

(5) Using intake and screening information to assist participants in identifying the benefits of referral to specialized treatment services;

(6) Discussion of the facilitator's role and the limits of the facilitator's scope of practice;

(7) Discussion of the state of scientific research for natural medicines and limitations of this research;

(8) Discussion of "set and setting," including environmental considerations for administration sessions such as lighting, sound, and temperature;

(9) Discussion of the reasonable expectations regarding client outcomes;

(10) Identification of participant safety concerns, including medical history, contraindicated medication, and psychological instability;

(11) Appropriate strategies to discuss facilitator safety concerns, including but not limited to identification of participant's support system;

(12) Determination of whether the participant should participate in the administration session;

(13) Participant directed discussion of a safety plan to address identified safety concerns and transportation plan for the administration session; and

(14) Historical and indigenous modalities of preparation for facilitation and administration of natural medicines.

k. Administration (10 hours)

(1) Dosing strategies and considerations, including the following:

(a) Experiential differences relating to differing dosages;

(b) Physiological considerations in relation to dosage;

(c) Delivery mechanisms of natural medicine; and

(d) Use of secondary doses.

(2) Skills to help facilitators handle natural medicine material effectively, including the following:

(a) Hygiene while handling material; and

(b) Assessing material for potential spoilage, contamination, and other concerns.

(3) Effectively working with challenging behaviors during administration sessions, including the following:

(a) Unexpected client disclosures;

(b) Substance-induced psychosis; and

(c) Suicidality.

(4) Traumatic stress and its manifestation during natural medicine experiences and appropriate facilitator response, including the following:

(a) Trauma's relationship to the body;

(b) Repressed trauma emerging during natural medicine experience;

(c) Trauma and traumatic stress resulting from systemic oppression;

(d) Safety for trauma resolution and risks associated with re-traumatization; and

(e) Protocols ensuring facilitator safety and responding to emergencies.

(5) "Set and setting" environmental considerations for administration sessions, such as lighting, sound, and temperature.

(6) Completion of administration session, including implementation of transportation plan.

l. Integration (10 hours)

(1) Training on how to conduct an integration session;

(2) Identification of appropriate resources that may assist participants with integration, including resources for:

(a) Interpreting feelings and emotions experienced during administration sessions;

(b) Facilitation of positive internal and external changes; and

(c) Enhancement of existing supportive relationships;

(3) Identification of participant client safety concerns;

(4) Facilitator scope of practice; and

(5) Discussion of appropriate intervals between administration sessions and related safety concerns.

m. Group Facilitation (10 hours)

(1) Training in how to conduct groups, including proper ratios for participants and group facilitators;

(2) Special considerations regarding group administration of natural medicine, including understanding boundaries and touch between group members and between group members and facilitators;

(3) Skills required to facilitate natural medicine group sessions, including, but not limited to:

(a) Group preparation sessions;

(b) Group integration sessions; and

(c) Regulatory requirements for group facilitation;

(4) Role play scenarios regarding navigation of challenging and unusual situations when facilitating groups.

n. Facilitator Development and Self-Care (10 hours)

(1) Facilitator self-care as a participant safety concern and facilitator ethical requirements;

(2) How to identify when a facilitator is not in a space to facilitate and what to do about it (including discussion of countertransference);

(3) How facilitators keep themselves safe while working with participants;

(4) How a facilitator can prepare themselves for facilitation; and

(5) How a facilitator can decompress after facilitation.

2. The requirements listed in these rules are minimum requirements. Nothing in these rules precludes an educational program from offering additional modules or hours of instruction.

G. Approved Facilitator Training Program Documentation

1. All Approved Facilitator Training Programs must maintain records and, if requested, submit them to the Office of Natural Medicine, on the following:

a. The Approved Facilitator Training Program must provide for a system of permanent records and reports essential to the operation of the Approved Facilitator Training Program, including:

(1) Current and final official records for students;

(2) Current records of Approved Facilitator Training Program activities such as minutes and reports; and

(3) Faculty records that demonstrate compliance with faculty qualification requirements identified in Rule 4.1(E)(4).

b. The Approved Facilitator Training Program must submit a biennial report to the Office of Natural Medicine on its authorized form.

c. To the extent practicable, data from Approved Training Programs shall be anonymized to avoid disclosure of individual student data.

2. All Approved Facilitator Training Programs must provide clear documentation to all applicants regarding their fees for training, including whether the Approved Facilitator Training Program will pay the cost of a Training license for its students and/or the cost of a Facilitator or Clinical Facilitator licensure application fee at the completion of the student's training program.

3. Self-Evaluation of Education Programs

An Approved Facilitator Training Program must develop, undertake, and document its own internal evaluations. Evaluations must occur on a periodic basis, include input from students and the community, and evidence relevant decision-making. The Approved Facilitator Training Program must have a written systematic plan for evaluation of:

a. Organization and administration of the Approved Facilitator Training Program;

b. Approved Facilitator Training Program mission;

c. Performance of the Director of the Approved Facilitator Training Program;

d. Faculty performance;

e. Curriculum objectives and outcomes;

f. Adherence to program requirements; and

g. Measurement of program outcomes, including performance of graduates.

4. If a student seeks to transfer from one program to another, the Approved Facilitator Training Program is required to assess coursework completed by the student at their prior approved training program or an accredited institution of higher education. So long as the student has successfully completed education that is substantially equivalent to the training module offered by the new education program, the new program may allow the student to transfer those completed hours, credits or equivalent education

H. Enrollment Limits

The Office of Natural Medicine may limit the number of students admitted to an Approved Facilitator Training Program. In making this determination, the Office of Natural Medicine may consider factors, including, but not limited to: the number of qualified faculty, adequate educational facilities and resources, and the availability of relevant practicum learning experiences.

I. Continued Approval of Approved Facilitator Training Programs

1. Regular periodic surveys for continued approval may be conducted by the Office of Natural Medicine. Such surveys shall occur no less than once every two years.

2. Approval of any training program may be continued by the Office of Natural Medicine, provided the standards of the Office are met, as set forth in these rules.

3. The Office of Natural Medicine's action regarding program review must be sent to the governing body, if applicable, and the Director of the education program with recommendations, to the extent that recommendations are made.

4. The education program may be visited at times other than regularly-scheduled survey visits, if the Office of Natural Medicine determines it necessary to do so.

5. Major program revisions must be reported to the Office of Natural Medicine for approval. Major program revisions include, but are not limited to:

   a. major changes in program goals;

   b. The number of hours required for successful completion of the program;

   c. Change in required clinical practice hours; or

   d. Either an increase or decrease of twenty-five percent or greater in student numbers admitted, types of students, admission times, and progression options.

J. Withdrawal of Full Approval of an Approved Facilitator Training Program

1. The governing body, if applicable, and the Director of an education program must be notified in writing if the requirements of the statute and the standards set forth in this Rule are not fulfilled. Following a decision to place an Approved Facilitator Training Program on conditional approval or to otherwise withdraw full approval, the Office of Natural Medicine must notify the governing body, if applicable, and the Director, in writing, of specific deficiencies.

2. The education program will be given thirty (30) days from the date of the letter to respond to any deficiencies. The Office of Natural Medicine will review the response and will make a determination to continue approval of the education program or to withdraw approval. If the Office of Natural Medicine needs additional information, it may request it from the education program or conduct further investigation.

3. The education program has ninety days from the date of the Office of Natural Medicine's notice of deficiency to provide written documentation that the deficiencies have been corrected or to provide a written plan of correction. For good cause shown, the Office of Natural Medicine may allow an education program additional time.

4. After consideration of available information, the Office of Natural Medicine may determine that an Approved Facilitator Training Program's full approval should be withdrawn and the education program be closed, or that the education program should be placed on conditional approval, for any of the following reasons:

   a. The Approved Facilitator Training Program does not meet or comply with all the provisions contained in the Natural Medicine Health Act, the Office of Natural Medicine's rules and regulations, or other state laws or regulations.

b. The Approved Facilitator Training Program has provided to the Office of Natural Medicine misleading, inaccurate, or falsified information to obtain or maintain full approval.

c. The Approved Facilitator Training Program has a program non-completion average which falls below seventy-five percent for eight consecutive quarters.

5. Conditional Approval

a. If the Office of Natural Medicine determines that an education program should be placed on conditional approval, the education program must submit status reports, on a schedule determined by the Office of Natural Medicine, related to the status of correction of the identified deficiencies.

b. If an education program with conditional approval does not correct its deficiencies or meet the required conditions within the time period established by the Office of Natural Medicine, the Office of Natural Medicine may withdraw the education program's conditional approval.

c. Students who are certified as having completed an education program from an Approved Training Program on conditional status may submit an application for licensure, which will be reviewed on a case-by-case basis by the Director.

6. Appeal Rights

a. Decisions of the Office of Natural Medicine to withdraw full approval or to offer conditional approval are subject to the Administrative Procedure Act, at section 24-4-105, C.R.S.

7. Any Approved Facilitator Training Program that loses full approval must inform all enrolled students and applicants of a change in the program's approval status within two weeks of the date of the change in status.

a. Students who are certified as having completed an education program from a training program that has lost full approval may submit an application for licensure, which will be reviewed on a case-by-case basis by the Director.

K. Restoration of Full Approval to an Approved Facilitator Training Program

1. Upon satisfactory completion of all requirements to correct its deficiencies, an Approved Facilitator Training Program may petition the Office of Natural Medicine to restore its status to full approval. The education program must demonstrate compliance with the Natural Medicine Health Act, the Office of Natural Medicine's rules and regulations, and all other state statutes and regulations.

2. If the Office of Natural Medicine does not restore full approval, the Approved Facilitator Training Program may petition the Office for an extension of conditional approval status not to exceed one year. As part of its petition, the Approved Facilitator Training Program must submit a corrective action plan that includes a time table to correct the identified deficiencies.

3. If a program loses full approval, it must apply to the Office of Natural Medicine to restore full approval. If a program loses conditional approval, it must apply to the Office of Natural Medicine to obtain authority to begin accepting students.

L. Denial or Withdrawal of Approval of an Approved Facilitator Training Program

1. An Approved Facilitator Training Program has the ability to seek review of decisions regarding full and conditional approval pursuant to the Administrative Procedure Act, section 24-4-105, C.R.S.

2. If the Office of Natural Medicine denies an application for program licensure, the applicant has 60 days to request a hearing on the denial or withdrawal. If requested, the Office of Natural Medicine will file a notice of denial with the office of administrative courts to adjudicate the merits of the denial or withdrawal, in accordance with section 24-4-105, C.R.S.

M. Voluntary Closures of an Approved Facilitator Training Program

1. Approved Facilitator Training Programs desiring to close shall notify the Office of Natural Medicine, in writing, at least six months prior to the date of closing.

2. As part of the notification of closure required in Rule 4.1(M)(1), the Approved Facilitator Training Program shall submit a plan assuring for a smooth transition and the equitable treatment of students affected by the program closure.

3. When the governing body of an Approved Facilitator Training Program changes, the new governing body shall notify the Office of Natural Medicine within thirty days and comply or maintain compliance with the Natural Medicine Health Act, the Office of Natural Medicine's rules and regulations, and all other state laws and regulations.

4. Students who are certified as having completed an education program from an Approved Training Program that has voluntarily closed may submit an application for licensure, which will be reviewed on a case-by-case basis by the Director.

4.2 Maintaining Approved Status

Educational programs must comply with the requirements specified in these rules to maintain approved status.

4.3 Alternate Language for institutions seeking approval of training programs

A. Any education program in this state desiring to receive from the Office of Natural Medicine approval of its educational program that prepares individuals for licensure as a facilitator shall apply to the Office of Natural Medicine and submit evidence that it is prepared to carry out an educational program that complies with the provisions of Rule 4.1.

5: REQUIREMENTS FOR ALL LICENSEES

5.1 Change of Name and Address

A. Basis and Purpose and Authority.

The purpose of this Rule is to provide licensees and staff with clear guidance regarding a licensee's address of record for the Department's purposes.

The authority for adoption of these Rules is set forth in sections 12-20-204(1), 12-170-105, and 24-4-103, C.R.S.

B. The licensee shall inform the Department in a clear, explicit, and unambiguous written statement of any name, address, telephone, or email change within thirty days of the change. The Department will not change a licensee's information without explicit written notification from the licensee.

1. The Department maintains one contact address for each licensee, regardless of the number of licenses the licensee may hold.

2. Address change requests for some, but not all communications, or for confidential communications only, are not accepted.

C. The Department requires a copy of one of the following forms of documentation to correct or change a licensee's name or social security number or individual taxpayer identification number:

1. Marriage license;

2. Divorce decree;

3. Court order;

4. Documentation from the Internal Revenue Service verifying the licensee's valid individual taxpayer identification number; or

5. Driver's license or social security card with a second form of identification may be acceptable at the discretion of the Department.

5.2 Reporting Criminal Convictions or Judgments

A. Basis and Purpose and Authority.

This Rule establishes the requirements for licensees to report criminal convictions or judgments.

This Rule is promulgated pursuant to sections 12-20-204, 12-170-105(1), and 12-170-109, C.R.S.

B. A licensee shall inform the Director in writing within thirty days of any of the following events:

1. The conviction of, the entry of a guilty plea or nolo contendere of the licensee to a felony as articulated in section 12-170-109(1)(b), C.R.S.;

2. Any adverse action that has been taken against the licensee by another licensing agency in another state or country, a peer review body, a healing center, a health-care institution, a professional society or association, a governmental agency, a law enforcement agency, or a court for acts or conduct that would constitute grounds for disciplinary or adverse action as described in this article 170;

3. The surrender of a license or other authorization to practice facilitation or the provision of natural medicine services in another state or jurisdiction or the surrender of membership on any healing center or other authorized health care institution's staff or in any professional association or society while under investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as described in this article 170;

5.3 Records Retention

A. Basis and Purpose and Authority.

This Rule establishes requirements for licensees to maintain participant records.

This Rule is promulgated pursuant to sections 12-20-204, 12-170-105(1)(a), and 12-170-109, C.R.S.

B. All licensed facilitators must complete and retain records for every participant to whom they provide natural medicine services. Records must be retained for three years after natural medicine services are rendered. If a facilitator is affiliated with a healing center, and the healing center retains a copy of the participants records, then the facilitator need not keep a copy.

5.4 Continuing Education Requirements

A. Basis and Purpose and Authority.

This Rule establishes requirements for licensees to undertake continuing education.

This Rule is promulgated pursuant to sections 12-20-204, 12-170-105(1)(a), and 12-170-109, C.R.S.

B. Facilitators must maintain active certification in Basic Life Support training.

C. Every year a Facilitator and Clinical Facilitator licensees must complete a minimum of twenty (20) hours of continuing professional education related to the delivery of natural medicine services, including at least five (5) hours of ethics education.

D. Licensees may satisfy continuing education requirements through attendance at workshops, seminars, symposia, colloquia, invited speaker sessions, institutes, or scientific or professional programs offered at meetings of local, state, regional, national, or international professional or scientific organizations. The activities completed pursuant to this Rule 5.4(C) may include online continuing education. Up to three hours of the required 20 hours of continuing education may be accrued from attendance at nonaccredited programming or through bona-fide facilitator peer support groups that otherwise meets the requirements of this Rule 5.4. Bona fide peer facilitator support group means a group of three or more licensed Facilitators or Clinical Facilitators that meet to discuss generally accepted standards of practice and anonymized experiences.

E. Licensees must maintain copies of transcripts or certificates of attendance/completion for each continuing education seminar or course the licensee completed. Licensees must provide the Director with proof of completion of continuing education coursework upon request.

6: STANDARDS OF PRACTICE [RESERVED]

7: ADVERTISING [RESERVED]

8: DISCIPLINARY VIOLATIONS and UNLICENSED PRACTICE [RESERVED]

9: DECLARATORY ORDERS

A. Basis and Purpose and Authority.

These Rules are adopted pursuant to sections 12-20-204(1), 12-170-105(1)(a)(IV), and 24-4-105(11), C.R.S., in order to provide for a procedure for entertaining requests for declaratory orders to terminate controversies or to remove uncertainties with regard to the applicability of statutory provisions or rules or orders of the Director to persons petitioning the Director.

B. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.

C. The Director will determine, at their discretion and without notice to the petitioner, whether to rule upon such petition. If the Director determines not to rule upon such a petition, the Director shall promptly notify the petitioner of their action and state the reasons for such decision.

D. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following factors, among others:

1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.

2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.

3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.

4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to C.R.C.P. 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

E. Any petition filed pursuant to this Rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 170, C.R.S.

2. The statute, rule, or order to which the petition relates.

3. A concise statement of all the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

F. If the Director decides to rule on the petition, the following procedures shall apply:

1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:

a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.

b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.

c. The Director may set the petition, upon due notice to the petitioner, for a non-evidentiary hearing.

d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.

e. The Director may request the petitioner to submit additional facts in writing. In such an event, such additional facts will be considered as an amendment to the petition.

f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act, section 24-4-105(8), C.R.S., and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.

g. If the Director rules upon the petition without a hearing, the Director shall promptly notify the petitioner of the decision.

h. The Director may, at their discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Director intends to inquire.

i. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

G. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a “petitioner” in this rule also refers to any person who has been granted leave to intervene by the Director.

H. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at section 24-4-106, C.R.S.

Editor’s Notes

History

Annotations

DEPARTMENT OF REGULATORY AGENCIES

Office of Natural Medicine Licensure

NATURAL MEDICINE LICENSURE RULES AND REGULATIONS

4 CCR 755-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

…

1: GENERAL

…

1.4 Definitions

"Administration session" means a session conducted at a healing center, or another location as allowed by this article 170 and article 50 of title 44, during which a participant consumes and experiences the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

"Integration session" means a meeting between a participant and facilitator that occurs after the completion of an administration session.

"Natural Medicine Services" means a preparation session, administration session, and integration session provided pursuant to Article 170 of Title 12, C.R.S.

"Preparation session" means a meeting between a participant and facilitator that occurs before an administration session. "Preparation session" does not mean an initial consultation, an inquiry, or a response about natural medicine services.

Supportive touch" means physical touch between a facilitator and a participant during the provision of Natural Medicine Services, and includes placing of hands on a participant's hands, feet, or shoulders, during an administration session. Participants may consent to the use of supportive touch with other participants, including additional participants, additional facilitators, healing center staff, and non-participant individuals who are also present during an administration session. Supportive touch must be consented to by a participant prior to the administration session, regardless of the individual providing the supportive touch, and must be documented in the physical touch contract. Under no circumstance may supportive touch be used on any body part other than hands, feet, or shoulders, or otherwise be sexual in nature.

…

Section 6 -- STANDARDS OF PRACTICE

6.1 Authority

Section 6 of these rules and regulations are adopted pursuant to the authority in sections 12-20-204 and 12-170-105(1)(a), C.R.S., and are intended to be consistent with the requirements of the State

Commented [1]: Carolyn Holland - I'd like to suggest that the term "participant" be changed to "client" in the whole document.

Commented [2]: Dana Tsyconyea StarByrd - Emphasizing the importance of supportive touch

Commented [3]: Lucy Kafanov - Streamline rules to cut down on redundancy

Commented [4]: Tasia Poinsatte - Remove redundant language (consent, touch, etc.)

Commented [5]: Lloyd Covens - Suggesting a higher level of licensure for higher dosage levels

Commented [6]: Dana Tsyconyea StarByrd - Allowance for facilitation outside of approved healthcare facilities

Commented [7]: Brent Jaster - Allowance for use at the end of life

Commented [8]: Grace Tzofia - Remote preparation out of state and allownace for traditional facilitation

Commented [9]: Brent Jasper - Remove unnecessary detail

Administrative Procedure Act, sections 24-4-101, *et seq.*, C.R.S. (the "APA"), and the Natural Medicine Health Act of 2022 at sections 12-170-101, *et seq. and 44-50-101, et seq.*, C.R.S. (the "Practice Act").

6.2 Statement of Basis and Purpose

Section 6 of these rules and regulations shall govern the process for the safe provision of regulated natural medicine services.

6.3 Documentation and Disclosure Requirements

A. A facilitator must complete and retain records for every participant to whom they provide Natural Medicine Services. To the extent available, a facilitator must use forms approved by the Director for all documentation requirements. Records may be maintained electronically.

B. A facilitator must maintain the following records:

1. Completed demographic information form;

2. Completed informed consent document;

3. Completed preferred means of communication document;

4. Completed transportation plan and any deviation from the participant's transportation plan;

5. Completed agreement between participant and facilitator or healing center regarding fees and any other financial arrangements;

6. Completed physical touch contract;

7. Completed participant safety and support plans;

8. Completed safety screen tool;

9. The date, start time, and end time for every preparation, administration, and integration session;

10. The regulated natural medicine product(s), including a unique identification number, consumed by each participant, including the amount of product consumed and whether it was consumed in a single dose or multiple doses;

11. Any adverse reactions that required medical attention or emergency services;

12. Any other documentation required by regulatory agencies in Colorado related to or in service of the cultivation, production, distribution, and/or use of natural medicines as regulated by Colorado law.

13. Outcome information, to the extent provided by the participant; and

14. For any facilitation that occurs outside of a healing center, disclosures regarding the differences between a licensed healing center and a private residence and the participant's consent to an additional representative or a video recording.

Commented [10]: Josh, under Shawn Hauser - Don't require referrals, but make it an option

Commented [11]: Kelly Williams - Allow non-licensed individuals to collect paperwork (rather than a facilitator during prep session)

Commented [12]: Marin Campbell - Allow non-licensed individuals to collect paperwork and complete other steps (rather than a facilitator during prep session).

Commented [13]: Lucy Kafanov - Allow other staff to handle non-clinical paperwork.

Commented [14]: Kendel Spinks - Allow others to collect at least some of these forms

C. Records required by this rule must identify the participant receiving services and be searchable by participant's name so that a facilitator or healing center may produce them pursuant to a request for records.

D. Participant records must be stored and maintained for a minimum of 3 years.

E. Records may only be destroyed in a manner that maintains participant confidentiality, such as a commercial shredding service.

F. A facilitator should consult with legal counsel as needed to maintain participant confidentiality.

G. A facilitator may not withhold records under their control that are requested and needed for a participant's Natural Medicine Services solely because the facilitator has not received payment for Natural Medicine Services.

H. A facilitator may delegate the collection of information or completion of certain forms to properly trained staff members. The facilitator must review all forms and information compiled by staff. The facilitator may not delegate completion of the informed consent document; the physical touch contract; or the safety screen tool.

6.4 Confidentiality of Participant Records

A. Purpose. These rules have been adopted by the Director to clarify confidentiality and privacy requirements for facilitators with respect to participant records and information.

B. Unless a participant or prospective participant gives their consent prior to the disclosure, a facilitator must not disclose a participant's or prospective participant's personally identifiable information or confidential communications made between the participant or prospective participant and the facilitator to the public, third parties, or any government agency, except as allowed for purposes expressly authorized pursuant to article 170 of title 12, C.R.S., article 50 of title 44, C.R.S., these Rules, or for state or local law enforcement agencies to access record and information for other state or local law enforcement pursuant to a bona fide law enforcement investigation.

C. All information and records related to a participant or prospective participant constitute medical data pursuant to section 24-72-204(3)(a)(I), C.R.S., and any such information or records may only be disclosed to those persons directly involved in an active investigation or proceeding.

D. Records required by this rule must be stored in a secure fashion so that only the facilitator or any authorized persons at healing centers, including and those with participant approval, may access them. If the facilitator is affiliated with a healing center, a copy of the participant's records must be stored at the healing center, regardless of where the administration of natural medicine occurs.

E. When facilitators or healing centers are required to release information about participants, they must follow all pertinent laws and regulations and provide the minimum amount of information necessary to respond. Facilitators and healing centers should also inform participants about the release of protected information when possible and permissible.

F. To the extent that records may be disclosed, for example, in response to a request for disclosure to a participant's treating health care or behavioral health provider, facilitators, healing centers, and any other individual authorized to be in possession of participant records should treat all records associated with the provision of Natural Medicine Services to a participant as protected by the federal law, Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104-191 (1996).

Commented [15]: Carolyn Holland - Will these records need to be stored as paper copies or only via electronic storage? The majority of clinic and hospital records are stored electronically and can be sent to the client in a secure manner.

G. Upon request, facilitators, healing centers, and other individuals authorized to possess participant records must provide a copy of all records to the participant. Facilitators, healing centers, and other authorized individuals may require a participant to make the request for records in writing. If requested records contain protected health information (PHI) of other participants, the facilitator, healing center or other individual who possesses the records must redact the PHI of all additional participants.

H. A facilitator must not disclose personally-identifiable confidential participant information when consulting with colleagues or with other participants.

I. Limits of confidentiality must be discussed with participants, including under what conditions confidential information is legally required to be released.

J. To the extent that a clinical facilitator has more stringent requirements for recordkeeping as a part of their secondary license, the clinical facilitator should maintain facilitation records consistent with the more stringent requirements of their secondary license.

6.5 Informed Consent

A. A facilitator must document the informed consent obtained from each participant, including decisions related to safety plan, physical touch, the presence of other individuals, the use of video recording, and other decisions that the facilitator deems necessary regarding the provision of Natural Medicine Services.

B. A facilitator must obtain informed consent from the participant before the initiation of every administration session using natural medicines.

C. A participant may withdraw their consent at any time. A facilitator must document the participant's withdrawal of consent within the record.

D. If a clinical facilitator holds a secondary license that requires the licensee to be a mandatory reporter, or if a facilitator is otherwise a mandatory reporter according to Colorado law, the facilitator or clinical facilitator must disclose to a prospective participant that they are a mandatory reporter, together with a description of their scope of required reporting.

E. A facilitator must inform a participant of the scope of natural medicine services that will occur as part of facilitation, including an accurate description of natural medicines used, potential risks and benefits, and alternatives to the use of natural medicine, prior to the administration session.

F. A facilitator must accurately represent their background and training using appropriate terms according to applicable laws and professional codes. A facilitator must disclose all licenses they hold and all professional domains they operate in.

G. A facilitator must inform a prospective participant of all fees and costs associated with their provision of natural medicine services, as well as their process for collecting payment, before delivering a billable service. This includes any third-party services that a facilitator uses to collect payment from a participant should they fail to pay a facilitator. If a facilitator works in association or connection with a healing center, the facilitator must also disclose all practices that the healing center uses to collect payment, including any third-party services. A facilitator must notify a prospective participant that, by using a third party to collect delinquent fees, a

Commented [16]: Marin Campbell - Reconsider requirement for second facilitator/video recording for session outside of healing center.

Commented [17]: Lucy Kafanov - Reconsider requirement for second facilitator/video recording for session outside of healing center

Commented [18]: Michael Thonhill - Please consider that some sessions as per indigenous tradition are taking place in the dark and video recording may be difficult to uphold the spiritual integrity of the session. Consider audio recordings instead. In a group setting not all participants may want a video recording of their very personal experience.

Commented [19]: Michael Thonhill - Reconsider secondary person required at locations other than healing center, for one on one or small groups, secondary facilitators should not be mandatory. Facilitators upon becoming licensed, should be qualified to provide the session on their own in a non-authorized center

Commented [20]: Tasia Poinsatte - Not applicable outside of a clinical setting, may be outside the scope of practice - suggested to strike

facilitator or healing center will disclose the identity of the prospective participant and indicate that they are a participant of the facilitator.

H. A facilitator must inform a participant and all persons present of any audio or video recording occurring during the use of natural medicines, including the preparation, administration, and integration sessions. A facilitator must describe the purpose of recording and how recordings will be stored and used. A facilitator must obtain informed consent from all persons present prior to recording sessions. A facilitator must obtain explicit permission, outlining the specific use, authorized recipient(s), and terms of release, from the participant and all identifiable persons before releasing audio or video recordings.

I. A facilitator must obtain informed consent for any physical touch that might be used during the administration session, in accordance with the requirements in Rule 6.6.

J. A facilitator must inform a participant in advance and, when possible, receive permission from the participant about the possible or scheduled presence of assistants, providers, observers, staff or anyone else who may be present during the provision of natural medicine services or have access to participant-identifying information.

K. A facilitator must inform a prospective participant regarding their process for termination of Natural Medicine Services as part of the informed consent process during an informal consultation or at a preparation session.

L. A facilitator must explain to a prospective participant in another state any risks associated with traveling to Colorado to receive natural medicine services.

6.6 Use of Physical Touch

A. A facilitator may provide supportive touch during administration sessions when requested by the participant and with the participant's written consent, which must be obtained during a preparation session using a physical touch contract.

B. A facilitator may use supportive touch, including the placing of the facilitator's hands on a participant's hands, feet, or shoulders, during an administration session. A facilitator may only use forms of touch for which they have received education and training and are within the bounds of their competence to use.

D. Participants participating in a group administration session may provide prior written consent to authorize supportive touch from other participants participating in the group administration session. A facilitator shall not permit another person to use any other form of touch during an administration session. A facilitator may decide not to allow participants to provide any form of supportive touch to other participants during group sessions, which must be documented on the physical touch contract.

E. Aside from protecting a participant's body from imminent harm, including but not limited to catching them from falling, the use of touch is always optional, must be according to the consent of the participant, and must be limited to the administration session. If requested by the participant, a facilitator may demonstrate the scope of what may constitute supportive touch during a preparation session. A facilitator must inform a participant that there may be times a facilitator may need to make physical contact to ensure participant safety or the safety of other persons present, including but not limited to taking the participant's vital signs, walking a

Commented [21]: Vanessa Johnston - Facilitators are already required to discuss risks. Every possible risk they need to discuss does not need to be included in the rules.

Commented [22]: Vanessa Johnston - The level of detail around touch is excessive. Rules should cover the basics (facilitators must receive training on touch and must work within their competence/scope of practice, touch of a sexual nature is strictly prohibited, and facilitators must complete touch contracts with all participants).

Commented [23]: Marin Campbell - Remove unnecessary/overly detailed requirements that are better left to training and best practices. Personal touch rules are overly limiting.

Commented [24]: Tasia Poinsatte - Consent to hugs - restrict the agency of the participant

participant to the restroom, or preventing a fall while the participant is under the influence of natural medicine.

F. A facilitator must discuss with the participant in advance of the administration session simple and specific words and gestures the participant is willing to use to communicate about touch during administration sessions. For example, a participant may use the word "stop" or a hand gesture indicating stop, and the facilitator must stop touch.

G. A facilitator must practice discernment with physical touch, using their professional or clinical judgment and assessing their own motivation for physical touch when evaluating whether touching a participant is appropriate and consistent with the touch contract established between the facilitator and the participant through the informed consent process.

H. The use of physical touch that is outside the bounds of a facilitator's competence or that is used solely for the purpose of a facilitator's or participant's pleasure is never permitted.

I. The facilitator must document the scope of physical touch in a contract with the participant. The contract must include, but is not limited to:

1. A full and accurate description of any physical touch that the facilitator anticipates to be necessary during the administration session, including but not limited to physical contact to ensure participant safety;

2. The bodily areas, forms, frequency, and circumstances under which the participant consents to physical contact from the facilitator and any additional non-participant individuals who will be present during the administration session;

3. The words or physical gestures the participant will use to communicate their consent or revocation of consent to physical contact during the administration session;

4. Unless physical contact is initiated by a facilitator for the specific purpose of preventing harm to a participant during an administration session, all physical contact between a facilitator, a participant, and any other individuals present during the provision of Natural Medicine Services may only be initiated in accordance with the terms and conditions specified in the physical touch contract;

5. In addition to physical touch authorized by the physical touch contract, a facilitator or other authorized individual may initiate physical contact with a participant only if the facilitator or other authorized individual reasonably believes that such contact is necessary to prevent physical injury or harm to a participant; and

6. A participant may not give consent to physical contact during an administration session that is beyond the scope of the terms and conditions enumerated in the physical touch contract.

J. Notwithstanding the terms and conditions enumerated in the physical touch contact, a participant may refuse or revoke consent to physical contact at any time during the course of Natural Medicine Services.

6.7 When to Seek Emergency Services

A. A facilitator must utilize their training to distinguish between typical side effects of consuming natural medicines and medical emergencies. In the event of a medical emergency, a facilitator must contact emergency responders or other appropriate medical professionals immediately.

B. Facilitators who hold secondary licenses in a healing art must adhere to the strictest ethical standards of their dual professions while providing natural medicine services.

6.8 Discrimination and Exploitation Prohibited

A. During their performance of Natural Medicine Services, a facilitator must not discriminate or otherwise engage in behavior that is harassing or demeaning based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any other basis proscribed by law.

B. A facilitator may not exploit persons over whom they have supervisory, evaluative, or other authority, including but not limited to participants, students, supervisees, research participants, and employees.

6.9 Provision of Natural Medicine Services to Subordinates Prohibited

A. A facilitator may not provide services to people over whom they have supervisory, evaluative, or other authority, including but not limited to students, supervisees, research participants, and employees.

1. Notwithstanding this prohibition, a training licensee who is engaged in practicum hours through an educational institution may receive natural medicine services from their practicum's supervising facilitator.

6.10. Sexual or Romantic Relationships and Conduct Prohibited

A. A facilitator may not engage in romantic or sexual relationships with students or supervisees who are in their department, agency, or training center or over whom the facilitator has or is likely to have evaluative authority.

B. A facilitator may not engage in any romantic relationships, sexual contact, or sexual intimacy with participants, or participants' partners, or immediate family members, for a period of one year following the termination of Natural Medicine Services to the participant.

C. Or sexual relationship.

D. A facilitator may not offer or provide Natural Medicine Services as a means of establishing a personal relationship with a participant.

6.11 Facilitator Health/State of Mind

A. A facilitator may not consume or otherwise be under the influence of natural medicine or any other intoxicant while providing Natural Medicine Services.

Commented [25]: Marin Campbell - Eliminate prohibition that a facilitator may not consume natural medicine, because it contradicts and denies traditional and indigenous practices where the ceremony holder can ingest a small amount of medicine.

B. A facilitator must refrain from initiating Natural Medicine Services with a participant when they know or reasonably should know that there is a substantial likelihood that their own state of mind or physical condition will prevent them from performing their work-related activities in a competent manner.

1. When a facilitator becomes aware that their own state of mind or physical condition could interfere with their ability to perform their work adequately, the facilitator must take appropriate measures, including but not limited to obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work.

C. A facilitator must identify when they are unable to provide appropriate care and must inform a participant that they must discontinue Natural Medicine Services and refer them to other providers as a result.

D. A facilitator must develop and document a plan in the event that they are unable to safely provide facilitation services to a participant, so that the participant may safely receive Natural Medicine Services from another facilitator or provider.

6.12 Financial Guidelines

A. A facilitator may not engage in any financial transactions with a participant, the participant's partners, or the participant's immediate family members that would violate the facilitator's duty of loyalty to the participant.

6.13 Facilitators holding Secondary Licensure

A. In conjunction with the provision of Natural Medicine Services, a facilitator or a clinical facilitator who holds a secondary license may also provide services pursuant to their secondary license, including but not limited to medical or behavioral health care, as long as the facilitator's or clinical facilitator's secondary license is active and in good standing, the services fall within the scope of their secondary license, and the secondary license has not been restricted to prevent the licensee from performing the service. The facilitator or clinical facilitator may only perform such medical or behavioral health services within the bounds of their competencies.

6.14 Establishing and Maintaining Continued Competency in Facilitation

A. A facilitator must practice within the bounds of competence, training, and experience specific to the populations they are working with and the modalities they offer.

B. In those emerging areas in which generally recognized standards for training do not yet exist, a facilitator takes reasonable steps to ensure the competence of their work and to protect participants, students, supervisees, research participants, organizational participants, and others from harm.

C. When indicated and professionally appropriate, a facilitator may collaborate with other professionals in order to serve their participants effectively and appropriately.

D. A facilitator must receive ongoing professional development, through supervision, collaboration, or peer support groups and through continuing education to maintain or expand their competencies.

E. A facilitator must maintain licensure(s) in good standing for all services they offer, including renewal of facilitator and secondary licenses as required by Colorado law.

F. A facilitator should perform all administration sessions in person and within Colorado. If a facilitator provides preparation or integration sessions while a participant is physically located in another jurisdiction, the facilitator should avoid engaging in the unlicensed practice in another state of a licensed profession.

6.15 Initial Consultation or Informal Inquiry

A. Prior to the provision of Natural Medicine Services, a facilitator should undertake an initial consultation or informal inquiry with all prospective participants. The initial consultation should serve to identify whether a prospective participant is a potential candidate to receive Natural

Commented [26]: Erin Witter - There needs to be oversight of the costs of administrative duties, including Facilitator training and licensing, in order to ensure that services that are ultimately offered in licensed healing centers will be affordable to people who need them.

Commented [27]: Kenya Mitchell - Please add psilocybin businesses to the SAFER Banking Act.

Commented [28]: Kelly Williams - Allow prep and integration sessions to occur outside of CO

Commented [29]: Dori Lewis - Allow prep and integration while participant is out of state.

Commented [30]: Lucy Kafanov - Allow prep and integration outside of CO. It hasn't been a problem in OR's program.

Commented [31]: Erik Vaughan - Support for this recommendation

Commented [32]: HAF - Change language to: Facilitators should avoid engaging in the unlicensed practice of a licensed profession in another state while the participant is physically located in another jurisdiction.

Commented [33]: Kendel Spinks - Allowance for preparation and integration in other states

Commented [34]: Tasia Poinsatte - Second to this recommendation

Commented [35]: Tasia Poinsatte - Telehealth is not applicable for integration / preparation

Commented [36]: Erica Messinger - Allow for telehealth

Commented [37]: Brent Jasper - Allow for telehealth

Commented [38]: Tasia Poinsatte - Provide flexibility for who can perform initial intake, allowing for a range of models to address participant safety

Medicine Services from the facilitator, as well as whether the prospective participant wishes to retain the selected facilitator to provide Natural Medicine Services. Nothing in this Rule 6.15 is intended to prevent individuals who are not licensed as facilitators, but who are affiliated with a facilitator or a healing center, from answering general questions from prospective participants.

1. A facilitator should begin their assessment during initial consultation whether a prospective participant's needs can be addressed within their bounds of competence, and if not, the facilitator may make informed referrals to other providers and services.

B. Screening Assessment: A facilitator must provide every prospective participant their written screening tool, and discuss with them the circumstances under which that prospective participant may or may not be an appropriate candidate for the provision of any Natural Medicine Services.

C. Disclosures: A facilitator must ensure adequate disclosure to prospective participants of all relevant considerations or factors that a prospective participant would need to know in order to make an informed decision regarding the selection of a facilitator for the provision of Natural Medicine Services.

1. Required Disclosures: A facilitator must provide the following disclosures:

a. A facilitator must accurately provide to prospective participants full and accurate written information regarding all licenses, registrations, or certificates the facilitator holds, including all active and inactive licenses, registrations, and certificates issued by this state; all licenses, registrations, or certificates, whether active or inactive, issued by another state, United States jurisdiction, or foreign country; any disciplinary actions taken against any license, registration, or certificate held by the facilitator; and all professional domains in which the facilitator operates.

b. Disclosures regarding costs, signed by the participant, which must include, at a minimum:

(1) A full and accurate written description of all costs charged to the participant and the process the facilitator or healing center will utilize for collecting payment before delivering Natural Medicine Services, including any third-party services that may be used to collect payment from a participant in the event of non-payment by the participant. If a third-party is to be utilized to collect payment, a facilitator shall disclose that in the case of non-payment, the identity of the participant and the fact that the individual is a participant in Natural Medicine Services provided by the facilitator will be disclosed to the third-party.

(2) The description of Natural Medicine Services costs required pursuant to Rule 6.3(B)(5) must include the full cost of Natural Medicine Services , including:

(a) The fee charged for each preparation session;

(b) The fee charged for each administration and integration session, including the cost of the natural medicine to be used during the administration session.

I. A facilitator or healing center may not charge a separate fee for the first integration session.

Commented [39]: Michael Thonhill - Maintain the one-on-one screening/preparation sessions for safety purposes, in a group setting not all information may be divulged by the client/participant that could be crucial to safety. General preparation sessions could be considered as a group, but for personal preparation/screening sessions, checking medical history, any medications that are being taken etc, this is more beneficial and ethical to be in a one-on-one setting.

Commented [40]: Carolyn Holland - In the studies on psilocybin, there was more than one preparation session; sometimes more than one administration session; and multiple integration sessions after each administration session.

(3) A full and accurate written description of any additional fees that may be imposed by the facilitator or healing center, including but not limited to, rescheduling fees and cancellation fees, as well as a description of the facilitator's or healing center's refund policy, including the circumstances under which a refund will be issued and a description of which costs are non-refundable.

(4) A full and accurate written description of the procedures to terminate services or otherwise transfer the participant's care that a facilitator or healing center will utilize if, after the initial screening process or following the preparation session, but prior to the commencement of the administration session, the facilitator determines that they are unable to provide Natural Medicine Services to the participant.

I. If a facilitator is providing natural medicine services to a participant at a private residence, in addition to all other required disclosures, the facilitator shall disclose the following: the availability of licensed healing centers, the regulations applicable to healing centers, that healing center regulations do not apply to private residences; and the risks associated with receiving natural medicine services at a private residence and outside of a licensed healing center.

2. Pre-Administration Disclosures: A facilitator may provide additional disclosures during an initial consultation or informal inquiry. To the extent that such disclosures are not provided during an initial consultation or informal inquiry, a facilitator must provide the following disclosures during the preparation session, and must document within the participant's record that the facilitator provided the disclosures:

a. A facilitator must ensure that each participant receives all information necessary to give appropriate informed consent for Natural Medicine Services.

(1) As part of the informed consent process, a facilitator must discuss the process for termination of the Natural Medicine Services and the circumstances under which the Natural Medicine Services may be terminated at the discretion of the participant, by the facilitator, or due to unforeseen circumstances. At a minimum, the facilitator must explain the termination process in sufficient detail for the patient to give informed consent, and must identify an alternative facilitator who may provide Natural Medicine Services to the participant in the case the facilitator experiences an emergency and is unable to facilitate an administration session.

b. A facilitator must provide participants with clear, written information about the facilitator's availability for communication, the means of communication to be utilized, the availability of support services, and emergency contacts as part of the informed consent process.

c. Written disclosures regarding Natural Medicine Services, signed by the participant, and which must include, at a minimum:

(1) Information detailing the current state of medical and scientific knowledge with respect to the efficacy, safety, and the range of Natural Medicine Services outcomes that the prospective participant may reasonably expect from the receipt of Natural Medicine Services.

(2) A statement advising the prospective participant of the possibility of potential adverse interactions with the prospective participant's current medical conditions or medications, as applicable, and to seek appropriate medical advice prior to commencing any Natural Medicine Services.

(3) A clinical facilitator must provide to a prospective participant documentation describing the scope of practice allowed by the clinical facilitator's secondary license, and the conditions under which the clinical facilitator may engage in the practice of medicine, the practice of psychotherapy, or other practice authorized by their secondary license, as applicable, during the preparation session, administration session, integration session, or at any other point during the provision of Natural Medicine Services; and

(4) Documentation containing an accurate description of the natural medicines that the facilitator will use during the administration session, including any labels, warnings, or other information provided to the facilitator by the manufacturer of the natural medicine product, as applicable.

(5) Information regarding the potential utilization of alternate facilitators during any point in the provision of Natural Medicine Services, including the alternate facilitator's name and any other information requested by the participant. Any such alternate facilitators must be included in the physical touch contract entered into pursuant to Rules 6.6 and 6.16(D)(4).

d. A document, signed by the facilitator, participant, and an authorized representative of the healing center, as applicable, detailing the participant's discharge plan, including a safe transportation plan from the healing center or other facility as allowed pursuant to article 170 of title 12 and article 50 of title 44, C.R.S., following the completion of an administration session.

D. As part of the initial screening process, the facilitator must determine if the prospective participant wishes to receive services during a group administration session, and if so, the facilitator must disclose to the prospective participant the number of other participants that may be present at any such group administration session.

E. Prior to an administration session, a facilitator, a prospective participant, and an authorized representative of the healing center, as applicable, must sign a form attesting to the following:

1. The prospective participant has provided their complete and accurate health record to the facilitator;

2. The facilitator has provided to the prospective participant all identified risk factors based upon the prospective participant's self-disclosed health information, including an acknowledgment that the prospective participant has been fully informed of the risks of participating in Natural Medicine Services, that the participant acknowledges that the participant understands the stated risks, and that the participant has given their informed consent to the Natural Medicine Services in accordance with Rule 6.3(B)(2).

3. The facilitator understands and has documented in writing the prospective participant's reasons for seeking access to Natural Medicine Services and provided a full and

accurate description of the Natural Medicine Services to be provided to the prospective participant; and

4. The facilitator and prospective participant have agreed to the circumstances and parameters of physical touch between the participant, the facilitator, and any other person, in accordance with Rule 6.3(B)(6), including but not limited to the requirement for ongoing informed consent to physical touch between the facilitator and participant, and the right of the participant to withdraw consent to physical touch.

F. In addition to any other disclosures required pursuant to article 170 of title 12, C.R.S., or these Rules, facilitators must provide the following information in writing to each participant prior to each preparation session, administration session, and integration session:

1. The name, address, and telephone number of the facilitator;

2. An explanation of the regulations applicable to the facilitator and to the facilitation of Natural Medicine Services;

3. A full and accurate description of the training, educational and experiential requirements the facilitator satisfied in order to obtain a license pursuant to these Rules and article 170 of title 12, C.R.S.;

4. A statement indicating that the facilitator is regulated by the Division, and an address and telephone number for the Division; and

5. A statement indicating that the participant is entitled to receive information about Natural Medicine Services, may terminate Natural Medicine Services at any time, and may terminate previously provided informed consent for physical touch at any time.

6.16 Requirements for Preparation Sessions

A. If an administration session is to be provided in a group setting, the facilitator must ensure that ~~all~~ at least one associated preparation sessions is ~~are~~ conducted individually with each participant who will be present during the group administration session.

B. Safety and Screening Assessment: If a facilitator has not conducted a thorough and comprehensive screening and assessment with every participant prior to the preparation session, the facilitatory must do so during the preparation session.

C. If a facilitator has not obtained any of the required or optional disclosures identified in Rule 6.15 prior to the preparation session, the facilitator must make those disclosures to the participant during a preparation session.

D. Prior to an administration session a facilitator must, as part of the informed consent process, fully inform the participant of the risks associated with taking natural medicines. Fully informed consent must include, at a minimum, information about the risks, benefits, and description of the range of possible outcomes from working with natural medicines in order for the participant to make an informed decision about whether to undertake the administration session. This must include the following:

1. A full and accurate description of the range of possible effects of natural medicines, how natural medicines alter the human state of consciousness, and how natural medicines may disrupt a participant's ability to make decisions or~~,~~ give or revoke consent;

Commented [41]: Carolyn Holland - Are you saying that each facilitator must provide to each client this entire document before each session? That seems excessive and unnecessary. It would be helpful for you to clarify your intentions. All of this information will be covered in the informed consent. I'm just curious why you feel this is necessary.

Commented [42]: German Ascani - Preparation and integration must be flexible and be allowed to take place through video, even phone, for out of state patients and anyone who has a geographical or transportation hardship.

Commented [43]: Carolyn Holland - Different facilitators may have different plans for how to offer psilocybin sessions - either individually or in a group or even a combination of both. It will become the client's choice and will be dependent on the facilitator's time.

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Commented [44]: Brent Jasper - Remove this requirement - allow group prep sessions

Commented [45]: Marin Campbell - Reconsider requirement for second facilitator/video recording for session outside of healing center.

Commented [46]: Lucy Kafanov - Reconsider requirement for second facilitator/video recording for session outside of healing center

Commented [47]: German Ascani - Allow more flexibility for healing centers and facilitators to incorporate other staff to be part of the process, collecting data, and completing paperwork and required forms.

2. A written statement that the participant has the right to request another non-participant individual, who is either a licensed facilitator or an authorized representative of a healing center, be present during an administration session. The statement must also notify the participant that they have a right to request to have a video recording taken of an administration session. A facilitator must allow both for a non-participant facilitator or authorized representative of the healing center to be present and for a video recording to be taken of their administration session, upon request from a participant. If a non-participant is to be present during the administration session and does not attend the preparation session, the participant must be allowed to meet the additional individual prior to the administration of natural medicine. If a facilitator is unable for any reason to meet the requirements of this subsection, they shall provide the participant with written referrals to other healing centers or facilitators, as appropriate.

a. A facilitator may, but is not required to, allow more than one additional, non-participant per participant (who is not a facilitator or authorized representative from a healing center) to be present during an administration session. If the facilitator authorizes the participant to bring an additional individual, that person must attend some portion of the preparation session with the participant and must agree to the parameters of the physical touch contract.

3. A statement indicating the presence or potential presence of any other individuals during the provision of Natural Medicine Services and a disclosure of individuals who may have access to a participant's personally identifying information, including but not limited to assistants, licensed or unlicensed healthcare providers, observers, or any other healing center staff. In each instance in which a person covered by this subsection will be present during the course of Natural Medicine Services, the facilitator must obtain informed consent from the participant specific to each such additional person who will be present.

4. A physical touch contract signed by the facilitator, the participant, and any additional individuals who may or will be present during the administration session or at any other time during the provision of Natural Medicine Services, consistent with the requirements of Rule 6.3(B)(6).

F. Prior to or as part of the preparation session, the facilitator must perform a comprehensive screening of the participant, which must include but is not limited to the following:

1. Medical history. The facilitator must perform a safety assessment using a safety screening tool that reflects generally accepted standards of practice. If the facilitator's screening identifies risk factors that suggest the need for involvement of a medical or behavioral health provider, the facilitator may provide Natural Medicine Services if at least one of the following additional actions occurs:

a. A participant has received a direct referral for Natural Medicine Services;

b. A participant has been provided medical clearance by the participant's medical or behavioral health provider, or

c. The participant has engaged in a consultation and risk review with a medical or behavioral health provider.

The provider may be licensed in Colorado or in the participant's state of residence, but must be licensed to diagnose and treat the participant's physical or behavioral health condition(s) identified as a risk factor(s) by the safety screening tool.

Commented [48]: Carolyn Holland - If the client prefers to have another non-participant facilitator or a representative of a healing center be present, is it going to be acceptable for the fee to be increased?

Commented [49]: Carolyn Holland - I am not aware of any randomized controlled study that has investigated this potential situation. Please share the evidence that supports this practice. If strong evidence is not available, I would strongly suggest that this be removed from the document.

Commented [50]: Vanessa Johnston - Reconsider requirement for a second facilitator to be present or a video recording at an authorized healthcare location.

Commented [51]: Lucy Kafanov - Do not require participant to have a medical/behavioral health condition to be treated.

Commented [52]: Kelly Williams - Do not require participant to have a medical/behavioral health condition to be treated.

Commented [53]: Marin Campbell - Do not require participant to have a medical/behavioral health condition to be treated.

Commented [54]: NMAB - 4/19/24 - Approved.

Commented [55]: Michael Thornhill - Mandatory referrals should not be required. What if someone is violent or dangerous in a ceremony, it is not ethical to provide a referral to another center / facilitator where this violent person could cause harm also. In all cases, referrals should be optional and only if it is in the best interest of the participant. Perhaps, plant medicine may not be in the best interest of the participant, so a referral to a therapist may be a better option.

Commented [56]: Vanessa Johnston - Reconsider requirements that overly medicalize the natural medicines program or only make sense for participants seeking access to treat a medical condition.

Commented [57]: Erica Messinger - Required for these providers to have natural medicine training?

2. A thorough evaluation by the facilitator identifying any risk factors based on the medical information provided by the participant.

    a. If the facilitator does not hold a clinical facilitator license, and a participant has a medical or behavioral health condition that requires management during the provision of Natural Medicine Services, the facilitator must refer the participant to a clinical facilitator who can treat such condition through the scope of their secondary license. In lieu of referral, the facilitator may obtain written clearance to provide Natural Medicine Services to a participant, from a medical or behavioral health care provider.

3. The facilitator and participant must discuss the participant's objectives for seeking Natural Medicine Services, and the facilitator must document within the participants record their goals. To the extent possible, the facilitator should discuss whether the participant's objectives can be reasonably met through the use of Natural Medicine Services.

4. If the participant has obtained a referral from a licensed healthcare professional for Natural Medicine Services which includes dosage instructions, the facilitator must not exceed ~~follow~~ the dosing amounts and should generally try to follow the dosing instructions included as part of any such order or referral, provided such dosing amounts and instructions do not violate any other parts of these rules.

G. A participant must attest that they have provided a complete and accurate medical history to the facilitator.

H. The facilitator must request demographic data from each participant. At the participant's discretion, the participant may disclose demographic data to the facilitator as part of the medical information provided to the facilitator.

I. The facilitator must maintain the following as part of each individual participant's records:

1. All disclosures obtained pursuant to Rule 6.15;

2. The fee agreement signed pursuant to Rule 6.3(B)(5).

3. The transportation plan signed pursuant to Rule 6.3(B)(4).

4. The informed consent agreement pursuant to Rule 6.3(B)(2), including the physical contact agreement signed pursuant to Rules 6.3(B)(6).

5. The date and the start and end time of each preparation session, administration session, and integration session.

6. The natural medicine product consumed or ingested by the participant during each of the participant's administration sessions, including the unique identification number, if any, the amount of natural medicine product consumed or ingested by the participant at each administration session, and whether the natural medicine product was consumed or ingested in a single or over multiple doses during the same administration session.

7. A record of any participant reported outcomes (to the extent available) and adverse events that occur during an administration session and the nature and result of the facilitator's response to the adverse event.

Commented [58]: Carolyn Holland - Consider editing to The facilitator and CLIENT must discuss the CLIENT's INTENTIONS for seeking Natural Medicine Services, and the facilitator must document within the CLIENT'S record their INTENTIONS. To the extent possible, the facilitator should discuss whether the CLIENT'S INTENTIONS can be reasonably met through the use of Natural Medicine Services.

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J. If, following the initial screening and informed consent process, a facilitator determines that a participant or the facilitator would benefit from having an additional individual present during an administration session or would benefit from a video recording of an administration session, the facilitator must inform a participant of their recommendation.

1. If the participant rejects the facilitator's recommendation pursuant to this paragraph (I), the facilitator may refuse to continue the provision of Natural Medicine Services to the participant and may refer the participant to another healing center or facilitator.

K. If the administration session will be conducted in an authorized location that is not a healing center, the facilitator must adhere to the following:

1. Prior to an administration session occurring in an authorized location other than a healing center, as part of the informed consent process, a facilitator must fully inform the participant of the risks associated with natural medicines and how those risks may be increased or changed if the participant chooses to participate in an administration session in an authorized location other than a healing center.

2. A facilitator may not conduct an administration session in an authorized location other than a healing center or healthcare facility if a participant refuses to authorize either another individual to be present during the administration session or a video recording of the administration session.

3. If the preparation session does not occur in person at the planned location for the administration session, the facilitator must inspect the proposed location for the administration session prior to such session, in order to assess for possible risks.

6.17 Requirements for Administration Sessions

A. If a facilitator experiences an emergency situation that prohibits the facilitator from facilitating a scheduled administration session, the facilitator must:

1. Make all reasonable efforts to timely reschedule the administration session for the closest possible date and time during which the facilitator will be available for facilitation;

2. Engage the backup facilitator as identified as part of the informed consent process; or

3. Cancel the administration session and refer the participant to another facilitator or healing center.

B. A facilitator may only provide physical touch during an administration session at the request of the participant and only within the parameters set forth in the signed physical touch contract.

C. During an administration session, a facilitator must take all reasonable efforts to prevent physical and psychological harm to a participant, including but not limited to monitoring a participant's vital signs and hydration as well as psychological well-being, and take reasonable steps to prevent physical injury to a participant.

D. A facilitator must instruct a participant to not leave the administration space during an administration session and shall take all reasonable efforts to ensure that a participant follows instructions given to them by facilitators or other authorized healing center personnel.

E. A facilitator must restrict the movements of a participant during an administration session if such movements would endanger the physical or mental safety of the participant or any other individual present during the administration session, including the facilitator or other participant.

F. Dosage

1. A facilitator shall determine the dosage that they will administer based on the screening of and in consultation with the participant. Any dosage of psilocybin administered must meet the generally accepted professional standards of practice.

a. For doses of 10 milligrams of psilocybin or lower, an administration session must last no fewer than three hours in duration and until the participant is showing no obvious adverse effects from natural medicine. A facilitator may extend the duration of an administration session beyond three hours, based on facilitator discretion or at the request of the participant.

b. For doses of 10 milligrams of psilocybin, an administration session must last no fewer than five hours in duration and until the participant is showing no obvious adverse effects from natural medicine. A facilitator may extend the duration of an administration session beyond five hours, based on facilitator discretion or at the request of the participant..

G. Additional requirements for group administration sessions

1. Administration sessions may be conducted in groups at the discretion of the facilitator.

2. Each participant who will be present during a group administration session must individually give informed consent to participate in a group administration session.

3. If a facilitator elects to conduct a group administration session, the facilitator must ensure that no more than 4 participants per facilitator are present during the group administration session.

a. A facilitator may not allow more than 64 participants to be present during a single administration session, regardless of the number of facilitators present.

4. A facilitator must not allow physical touch between participants during a group administration session unless participants have consented to participant touch.

6.18 Additional Requirements for Administration Sessions Outside of a Healing Center

A. A facilitator may facilitate an administration session in a location other than a healing center in accordance with article 50 of title 24, C.R.S. or these rules.

B. A facilitator may provide natural medicine services at a private residence only if at least one participant receiving natural medicine services from the facilitator at the private residence has a legal right to possess and occupy the premises as a residential dwelling.

C. A facilitator shall perform a reasonable review of the private residence to ensure it is appropriate for a proposed natural medicine administration session sometime prior to the commencement of the administration session, including ensuring that it is free from hazards, weapons, and uncontrolled animals.

D. No one under twenty-one years of age may be present at a natural medicine administration session at a private residence.

Commented [59]: NMAB - 4/19/24 - Approved.

Commented [60]: NMAB - 4/19/24 - Approved.

E. Natural medicine product used at a private residence must be procured from the regulated market. Natural medicine product used at a private resident must be transported and stored consistent with the Colorado Natural Medicine Code, §§ 44-50-101, et seq. Specifically, a facilitator should determine whether a separate license is required to transport natural medicine product to a private residence.

F. All statutory provisions and rules applicable to a facilitator providing natural medical services outside of a healing center apply the same as to a facilitator providing natural medicine in a healing center except as expressly provided in this rule.

G. If a facilitator facilitates an administration session in an authorized location other than a healing center, the facilitator must require and provide for one of the following:

1. One or more additional facilitators or an authorized representative of a healing center to be present at all times during the administration session; or

2. A video recording of the administration session.

H. The participant must consent to the facilitator's proposed election for compliance with this requirement as part of the informed consent process during the preparation session.

I. A facilitator may not facilitate an administration session in a location other than a healing center if a participant does not consent, as part of the informed consent process, to the presence of other individuals or to video recording of the administration session.

J. Prior to and following the completion of an administration session in an authorized location other than a healing center, a facilitator must maintain custody of all unused regulated natural medicine product(s) and must return all unused regulated natural medicine product(s) to the healing center following completion of an administration session or secure the products consistent with Colorado law.

6.19 Requirements for Integration Sessions

A. A facilitator or healing center, as appropriate, may not charge a separate fee for the first integration session. If disclosed in advance, a facilitator may charge additional fees for additional integration sessions beyond the first session.

B. A facilitator must complete the following procedures as part of an integration session, including but not limited to:

1. The facilitator must conduct a thorough review of the administration session for which the integration session is being held with each participant who participated in the administration session.

2. The facilitator must evaluate the participant and their reaction to the regulated natural medicine product(s) ingested by the participant during the administration session and must recommend follow-up care and make referrals to other healthcare providers or facilitators as appropriate. The facilitator may recommend additional integration sessions.

C. A facilitator may facilitate a group integration session if each participant has given informed consent to participate in a group integration session as part of the informed consent process.

6.20 Rules for terminating services

Commented [61]: HAF - Encourage and allow multiple integration sessions. Authorize facilitators to charge an additional fee for additional follow up integration sessions.
Suggested language:
A. A facilitator or healing center, as appropriate, may not charge a separate fee for an integration session(s). Notwithstanding, if disclosed in advance, a Facilitator may charge additional fees for follow-on integration sessions after the first one.
B.2 The facilitator must evaluate the participant and their reaction to the natural medicine products ingested by the participant during the administration session and must recommend follow-up care, additional integration sessions, and make referrals to other healthcare providers or facilitators as appropriate.

Commented [62]: Michael Thonhill - Agree

A. A facilitator has a duty to identify if they are unable to provide Natural Medicine Services with an appropriate level of care with respect to a participant or participants and must terminate their provision of Natural Medicine Services in such circumstances.

1. A facilitator who terminates Natural Medicine Services in accordance with this paragraph (A) must refer each participant to whom the facilitator has agreed to provide Natural Medicine Services to another facilitator or healing center.

B. A facilitator must have a written protocol in place describing the specific process and procedures the facilitator will follow in the event of a termination of Natural Medicine Services.

C. A facilitator must terminate Natural Medicine Services for a participant if the facilitator reasonably believes that the participant is no longer benefitting from the Natural Medicine Services, is not likely to benefit from the continuation of Natural Medicine Services, or is being harmed by continued provision of Natural Medicine Services.

D. A facilitator may terminate Natural Medicine Services in the event the facilitator, in their reasonable judgment, has been threatened or otherwise endangered by a participant or another person with whom the participant has a relationship.

E. In the event a facilitator terminates Natural Medicine Services, the facilitator must refer the affected participant to another facilitator, health center, or health care provider, as appropriate.

F. A facilitator should terminate Natural Medicine Services when a participant is no longer benefitting from the Natural Medicine Services when it becomes reasonably clear that a participant no longer needs the Natural Medicine Services, is not likely to benefit from the Natural Medicine Services, or is being harmed by continued Natural Medicine Services.

G. A facilitator may terminate Natural Medicine Services when threatened or otherwise endangered by a participant or another person with whom the participant has a relationship.

H. A facilitator must provide the participant with appropriate referrals in writing when terminating Natural Medicine Services.

I. When providing referrals, including within or across state lines, referrals should be offered without the expectation of reciprocity or brokering, and should not involve the use of deceptive practices.

6.21 Rule and Regulations Regarding Practice by Licensed Facilitators

A. Compliance with applicable law and these Rules. A facilitator is responsible for implementing and complying with all applicable statutory requirements and the provisions of these Rules.

B. License. A facilitator must ensure that the individual's license to practice as a facilitator is active and current prior to performing any acts requiring a license.

C. Documentation. A facilitator must keep and maintain such documentation as required by these rules and as necessary to discharge their duties and responsibilities in a safe and professional manner.

D. A facilitator must not discriminate against any individual based upon age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

E. Notwithstanding any term or condition in a written physical contact agreement, a facilitator must not engage in any romantic relationship or any physical contact of a sexual nature with a participant at any time during the provision of Natural Medicine Services.

F. A facilitator may not engage in any romantic or intimate relationship with a participant or a participant's immediate family members for a period of one year following the last date on which the facilitator provided natural medicine services to the participant.

G. A facilitator must not provide Natural Medicine Services to a participant if the provision of such services involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the facilitator's ability to consider, recommend, or provide Natural Medicine Services will be materially limited as a result of the facilitator's other responsibilities or personal or professional interests.

H. A facilitator may not accept a fee or other benefit for making referrals to other facilitators, healing centers, or other health care professionals, and may not pay for other facilitators, healing centers, or other health care professionals for the making of referrals to the facilitator.

Section 7 - Advertising

7.1 Authority

Section 6 of these rules and regulations are adopted pursuant to the authority in sections 12-20-204, 12-170-105(1)(a), and 12-170-109(1)(h), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedure Act, sections 24-4-101, *et seq.*, C.R.S. (the "APA"), and the Natural Medicine Health Act of 2022 at sections 12-170-101, *et seq. and 44-50-101, et seq.*, C.R.S. (the "Practice Act").

7.2 Statement of Basis and Purpose

Section 7 of these rules and regulations are intended to establish requirements for advertising by licensed facilitators.

7.3 False, Misleading, or Deceptive statements are prohibited: A facilitator shall not make false, deceptive, or misleading statements and shall take reasonable efforts to prevent others from making false, deceptive, or misleading statements on their behalf.

A. A facilitator shall represent their work and qualifications honestly and accurately.

7.4 A facilitator providing public advice (in person, in print, or on the internet, etc.) shall take precautions to ensure statements are based on training and experience and consistent with current scientific literature.

7.5 **Testimonials**: While testimonials may be collected and displayed, a facilitator may not solicit testimonials from participants.

Commented [63]: Michael Thornhill - Video and/or written testimonials are one of the most useful tools that potential participants have to understand more from direct experience of what they may experience, not only with the plant medicines themselves, but also what the level of care/service is like from a facilitator/center and if it is a good fit for them. This helps the potential client/participant choose the best place for them to do this very intimate and deep work. Please consider that there are ethical ways that reviews/testimonials can be made known/asked for from participants who with their own free will may want to leave a review/testimonial if the opportunity is presented.

Editor's Notes

History

Annotations

DEPARTMENT OF REGULATORY AGENCIES

Office of Natural Medicine Licensure

NATURAL MEDICINE LICENSURE RULES AND REGULATIONS

4 CCR 755-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

…

1: GENERAL

1.4 Definitions

"Approved Facilitator Training Program" means a program of study which the Director has determined meets the minimum requirements of the curriculum mandated by DORA in section 4 of these Rules.

"Natural medicine harm reduction" is defined as a set of practical strategies and ideas aimed at reducing negative consequences to physical, mental or social well being associated with the use of natural medicines.

…

6: STANDARDS OF PRACTICE

…

6.22 Data Collection

A. Basis and Purpose

Rule 6.22 is intended to establish requirements for all facilitators to collect and provide certain data to the Director at specified intervals. Data collection is necessary to further the goals articulated in the Natural Medicine Health Act of 2022, including but not limited to the following expectations set forth in the Act: Board review of research related to the efficacy and regulation of natural medicine and natural medicine product, including recommendations related to product safety, harm reduction, and cultural responsibility (section 12-170-106(5)(b)), development of research related to the safety and efficacy of each natural medicine (section 12-170-106(5)(f)), current research, studies, and real-world data related to natural medicine to make recommendations as to whether natural medicine, natural medicine product, natural medicine services, and associated services should be covered under health first Colorado or other insurance programs as a cost-effective intervention for various mental health conditions (section 12-170-106(6)).

B. Authority

This rule is adopted pursuant to the authority in sections 12-20-204; 12-170-105(1)(a)(IV) and (V); 12-170-105(1)(j); 12-170-105(3), and 24-4-103, C.R.S.

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C. Requirements for Data Collection

1. For each participant to whom a facilitator provides services, and for each administration of natural medicine to the participant, each facilitator must collect and submit the following de-identified data to the Director:

a. A unique participant identification number;

b. Whether the services were provided in the Denver, Colorado Springs, or Grand Junction metro areas or a rural area. If services were provided in a rural area, whether the services were provided in Northeast, Northwest, Southeast, or Southwest Colorado;

c. Demographic information regarding the participant, including age, sex assigned at birth, gender identity, race/ethnicity; state of residence, veteran status; and ____;

d. Data from Risk Factor Screening Form;

e. Reasons the participant sought facilitation services, including whether the participant had any diagnosed physical or behavioral health condition for which the participant sought natural medicine services;

f. Data from Mental Health Screening Form;

g. Fees charged for services, and if applicable, any discounts, scholarships, or other reduction in fees charged;

h. Whether the administration session was an individual or group session;

i. Whether the goal of facilitation was for clinical or experiential purposes (or both);

j. Confirmation of completion of: touch contract, safety plan, transportation plan, and informed consent processes;

k. Data regarding the date and start and end times for every preparation, administration, and integration session;

l. Identification of the natural medicine products consumed by each participant, the unique identifier of the product, the amount consumed, and whether the consumption occurred in a single or multiple doses; and

m. Whether the participant self-identified a benefit from the use of natural medicine.

…

8: DISCIPLINARY VIOLATIONS and UNLICENSED PRACTICE

8.1 Grounds for Discipline

A. Statement of Basis and Purpose

The purpose of these Rules is to clarify acts that constitute grounds for discipline pursuant to these Rules and Article 170 of Title 12, C.R.S.

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Commented [NB1]: N. Poinsatte: Integration with standards of care rules - how do these rules interact, and ensure things aren't contradictory

The authority for these Rules is found in sections 12-20-404; 12-170-105(1)(a)(II), 12-170-105(1)(a)(IV), and 12-170-105(1)(a)(V); 12-170-108(2); 12-170-109; and 24-4-103, C.R.S.

B. The Director may initiate disciplinary or other action as authorized in these Rules and as authorized in section 12-20-404, C.R.S., upon proof that the licensee has engaged in any of the following:

1. Violated a provision of Article 170, C.R.S. or any of these Rules promulgated pursuant to Article 170;

2. Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or the plea to any such crime, the director shall be governed by the provisions of sections 12-20-202(5) and 24-5-101, C.R.S. Pursuant to sections 12-20-404(8) and 12-30-121, C.R.S., the director will not consider legally protected marijuana convictions and legally protected health-care activities.

3. Made any misstatement on an application for a license to practice pursuant to Article 170, C.R.S. or attempted to obtain a license to practice by fraud, deception, or misrepresentation;

4. Committed an act or failed to perform an act necessary to meet the generally accepted professional standards of conduct to practice a profession licensed pursuant to Article 170, C.R.S. or promulgated by rule pursuant to 12-170-105(1)(a)(II)(D), including performing services outside of the person's area of training, experience, or competence;

5. Excessively or habitually uses or abuses alcohol or controlled substances;

6. Violated any of the provisions of Article 170, C.R.S., an applicable provision of Article 20 of title 12, C.R.S., or any valid order of the director;

7. Is guilty of unprofessional or dishonest conduct;

8. Advertises by means of false or deceptive statement;

9. Fails to display the license as provided in section 12-170-108(2), C.R.S.;

10. Fails to comply with the Rules promulgated by the director pursuant to Article 170, C.R.S.;

11. Is guilty of willful misrepresentation;

12. Fails to disclose to the director within forty-five days a conviction for a felony or any crime that is related to the practice as a facilitator;

13. Aids or abets the unlicensed practice of facilitation; or

14. Fails to timely respond to a complaint sent by the director pursuant to section 12-170-110.

C. "Unprofessional or dishonest conduct," includes the following:

1. Conviction of certain felony or misdemeanor offenses, including the following:

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Commented [NB2]: J. Kappel: Could use some clarification here, esp. RE: personal use

a. A conviction or plea of nolo contendere of any felony or misdemeanor crime related to the practice of facilitation, as defined in section 12-170-104(5), C.R.S.;

b. A conviction or plea of nolo contendere of any felony or misdemeanor crime involving dishonesty or willful misrepresentation;

c. In considering a conviction or plea pursuant to this paragraph 8.1(C)(1) and (2), the Director's determination must be made in accordance with sections 12-20-202(5) and 24-5-101, C.R.S. Pursuant to sections 12-20-404(8) and 12-30-121, C.R.S., the director will not consider legally protected marijuana convictions and legally protected health-care activities.

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2. The following adverse actions:

a. Disciplinary or other actions taken against facilitation licenses held in another state;

b. Disciplinary or other actions taken against a secondary license (in Colorado or another jurisdiction) held by a clinical facilitator.

3. Performs services outside the scope of the licensees secondary or other license.

8.2 Duty to Report Criminal Convictions and Unprofessional or Dishonest Conduct

A. Statement of Basis and Purpose and Authority

The purpose of these Rules is to clarify the procedures for reporting convictions and unprofessional or dishonest conduct pursuant to section 12-170-109(1)(I), C.R.S. and these Rules.

The authority for these Rules is set forth in sections in sections 12-20-404, 12-170-105(1)(a)(II), 12-170-105(1)(a)(IV) and (V), 12-170-105(1)(f); 12-170-109(1); and 24-4-103, C.R.S.

B. Any licensee, Facilitator licensee, Clinical Facilitator licensee, Distinguished Educator licensee, or Training licensee, must inform the Director, in writing or in another manner set forth by the Director, within forty-five days of any criminal conviction or other action meeting the definition of unprofessional or dishonest conduct.

C. The notice to the Director must include the following information:

1. If the event is an action by a government agency: the name of the agency, its jurisdiction, the case name, the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order, or decision;

2. If the event is a felony conviction or a conviction or a crime involving dishonest or wilful misrepresentation, or a crime related to the practice of facilitation: the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The facilitator must also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence within 90 days of such action; and

3. If the event concerns a civil action or arbitration proceeding: the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the

complaint, and a copy of the verdict, the court or arbitrational decision, or, if settled, the settlement agreement and court's order of dismissal.

C. The facilitator may submit a written statement with any notice under these Rules to be included in the facilitator's records.

D. These Rules apply to all criminal convictions and unprofessional or dishonest conduct events that occur on or after the effective date of this Rule.

8.3 Unlicensed Practice

A. Statement of Basis and Purpose and Authority

The purpose of these Rules is to clarify the procedures for the Director to prevent against the unlicensed practice of natural medicine facilitation services, pursuant to section 12-170-105(1)(g), C.R.S. and these Rules.

The authority for these Rules is set forth in sections 12-170-105(1)(a) and -105(1)(g), C.R.S.; 12-170-108, 12-20-405(1)(a), C.R.S.; and 24-4-103, C.R.S.

B. If it appears to the Director that a person without a license is engaged in the provision of facilitation, the Director may issue an order to cease and desist their conduct in accordance with section 12-20-405(1)(a), C.R.S. Any individual who receives an order directing them to cease and desist the unlicensed practice of natural medicine facilitation services may request a hearing pursuant to sections 12-20-405(1)(b), 24-4-104, and 24-4-105, C.R.S.

C. An individual who is not licensed may perform a bona fide religious, culturally traditional, or spiritual ceremony, if the individual informs all persons engaging in the ceremony that the individual is not a licensed facilitator and that the ceremony is not associated with commercial, business, or for-profit activity.

Commented [MR4]: Shannon Hughes - Please consider adding: Nothing herein (regarding unlicensed practice) precludes an individual's right to engage in the personal use of natural medicine.

Commented [NB5]: J. Kappel: Utilize the defined term "Facilitation"

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Commented [NB6]: B. Majewska: Clarify that this language doesn't interfere with personal use (add "with regulated natural medicine")

Commented [NB7R6]: S. McAllister: Not fully reflective of the statutory language, Cf. Title 18

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Editor's Notes

History

Annotations

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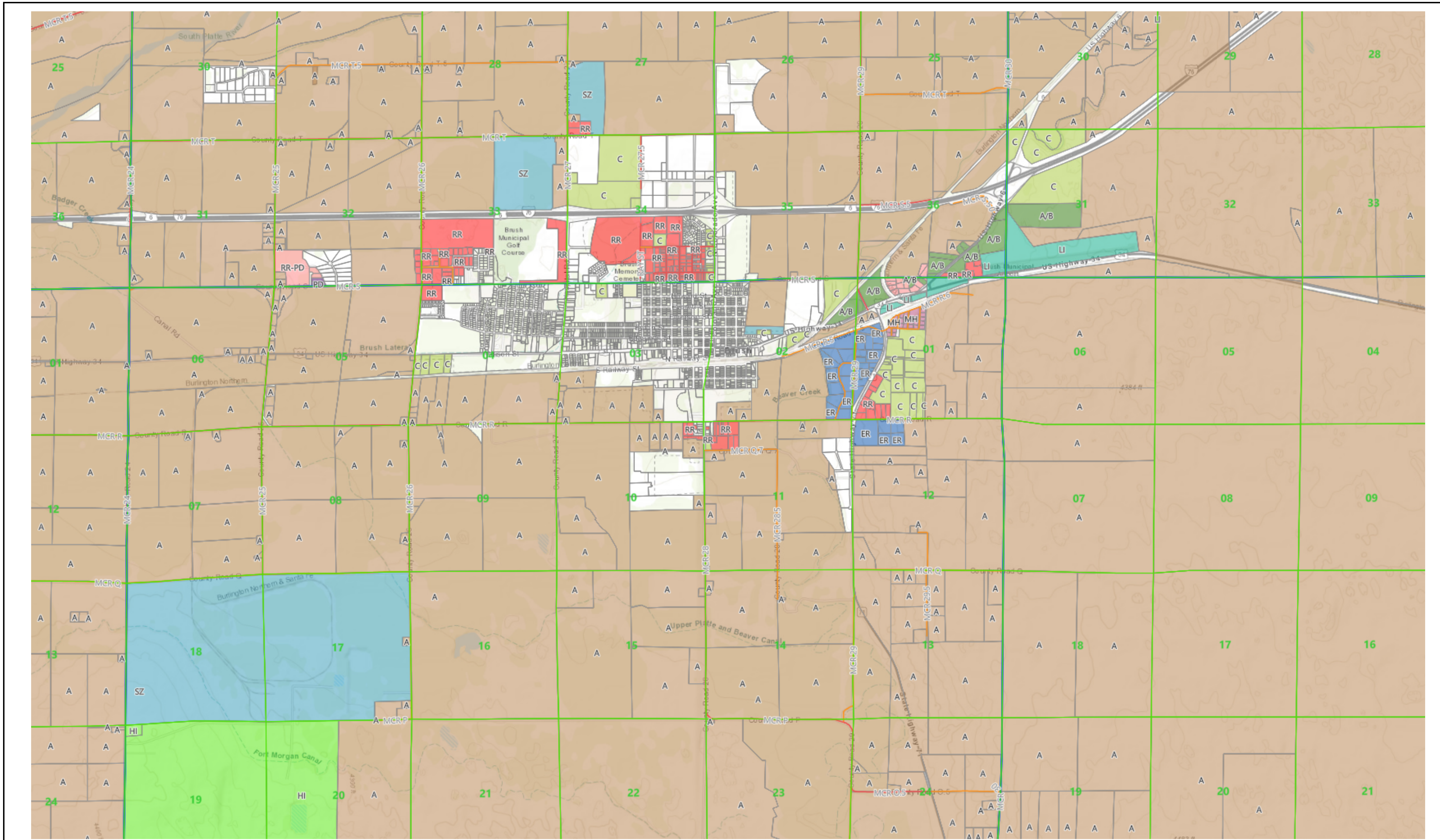

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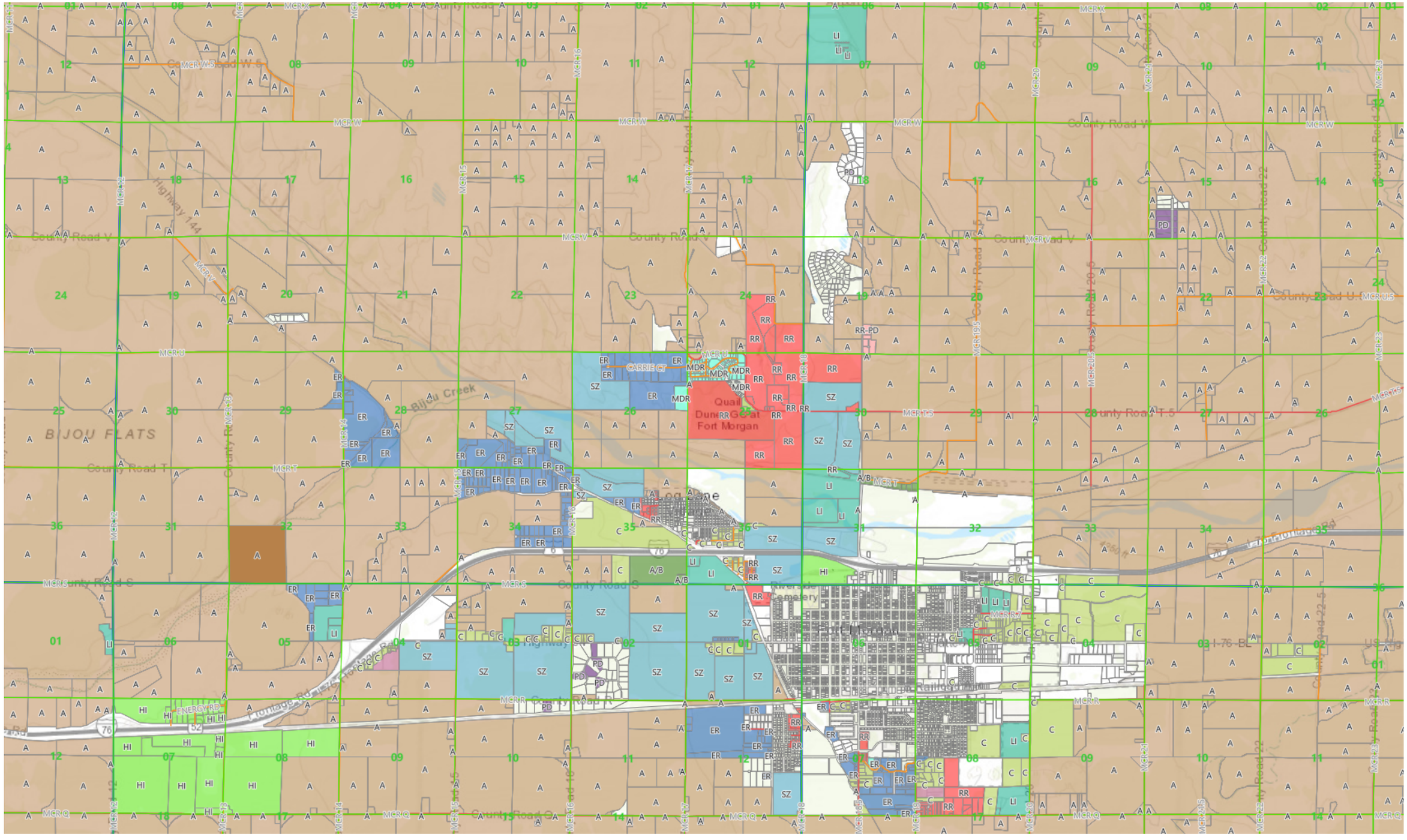

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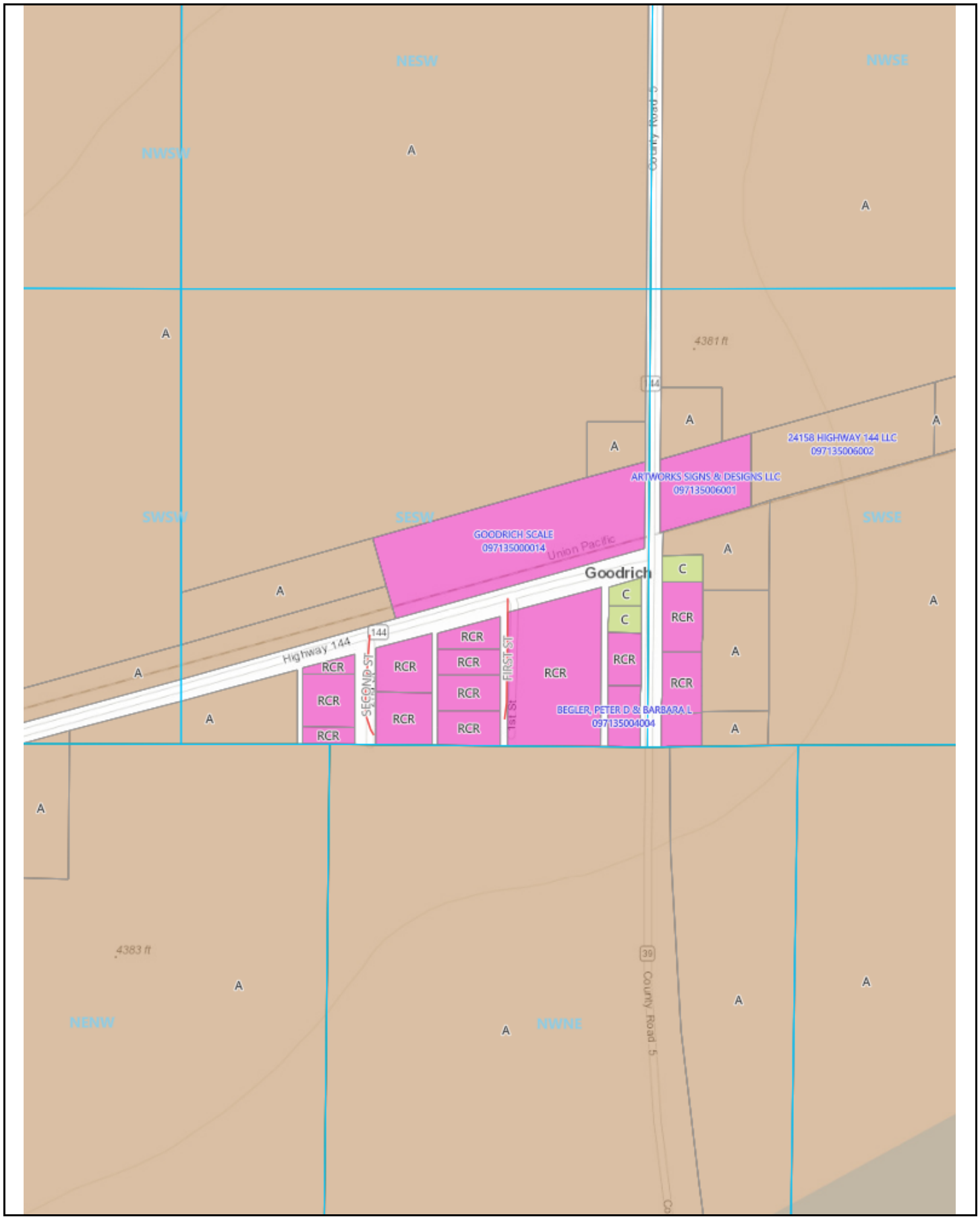

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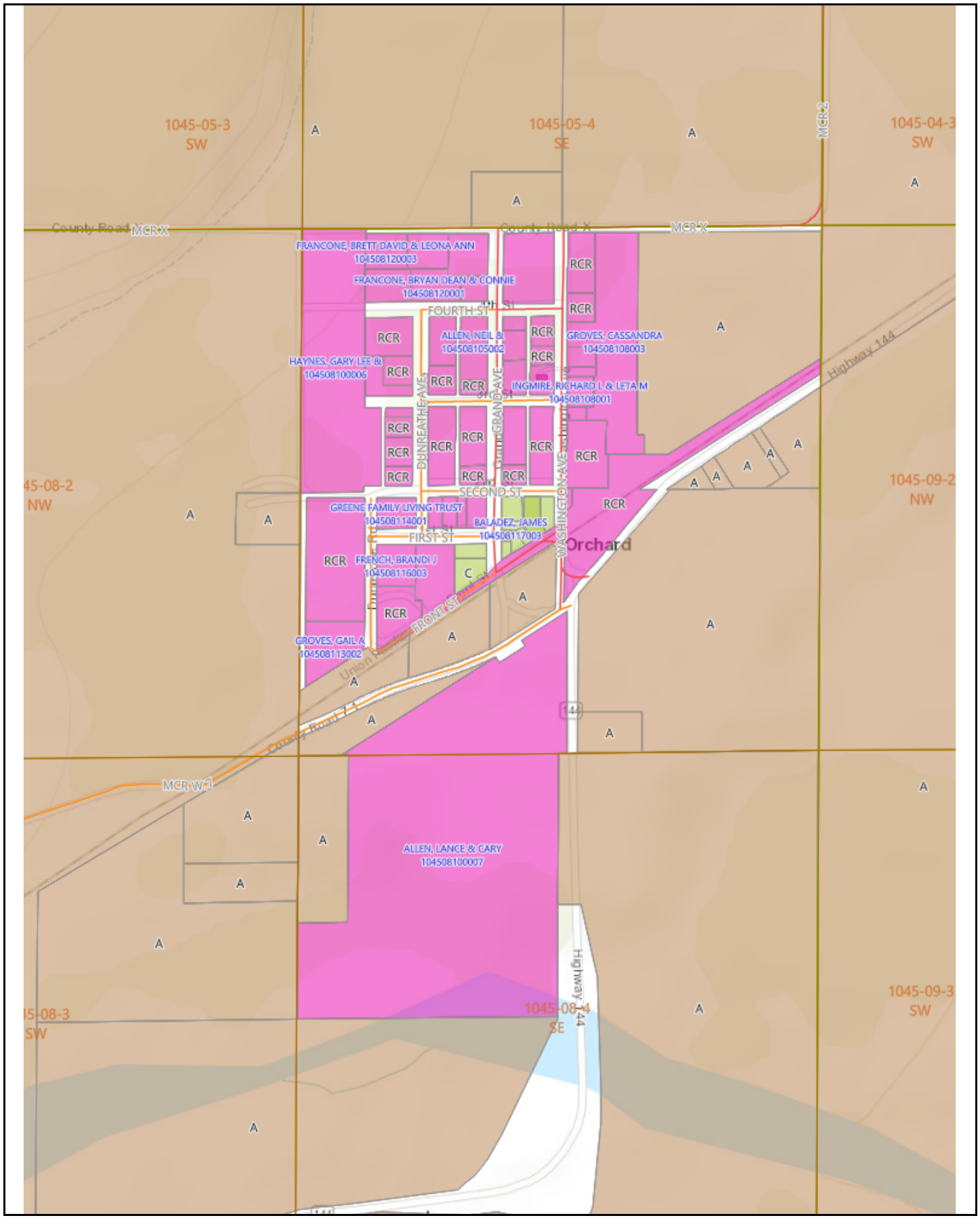

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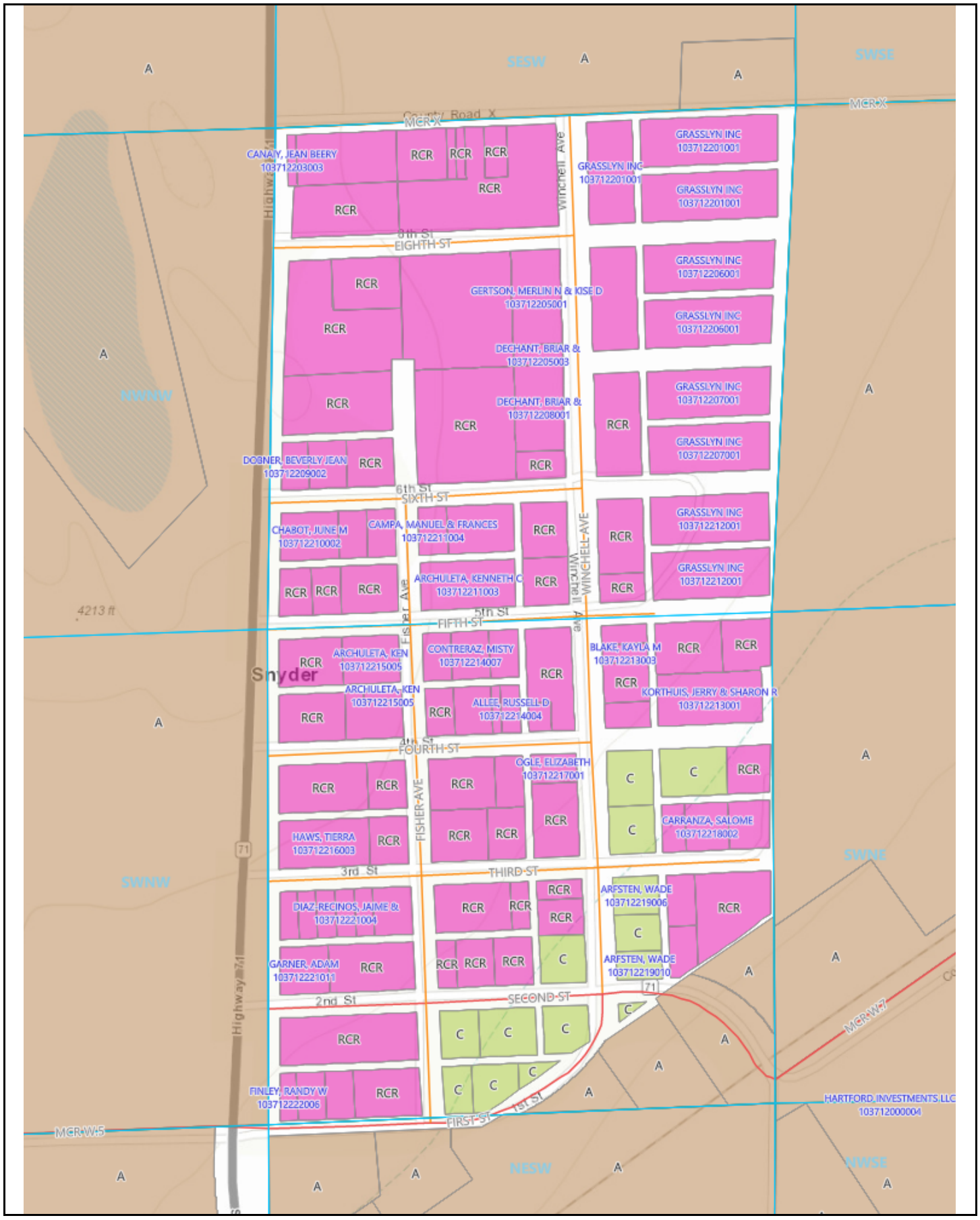

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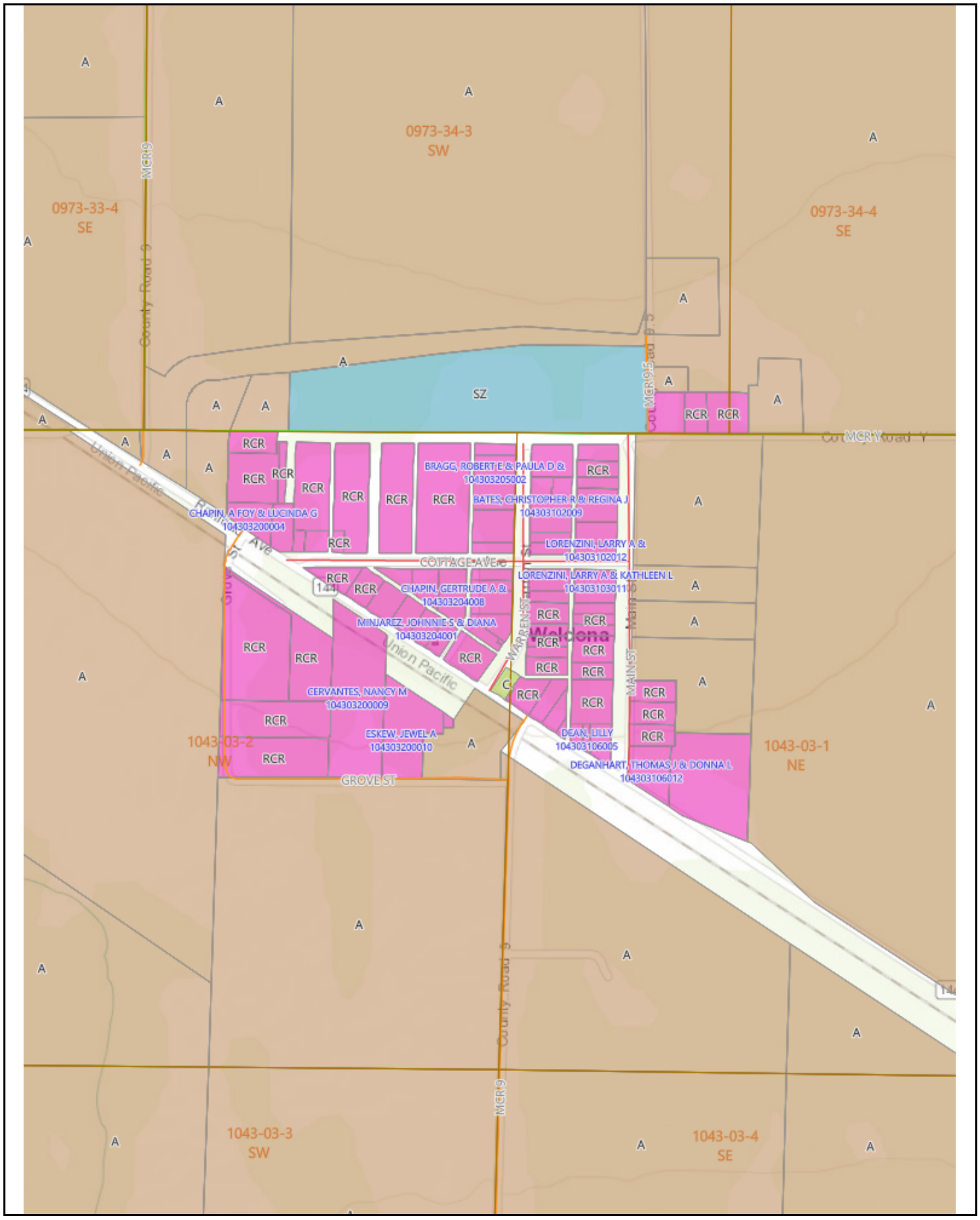

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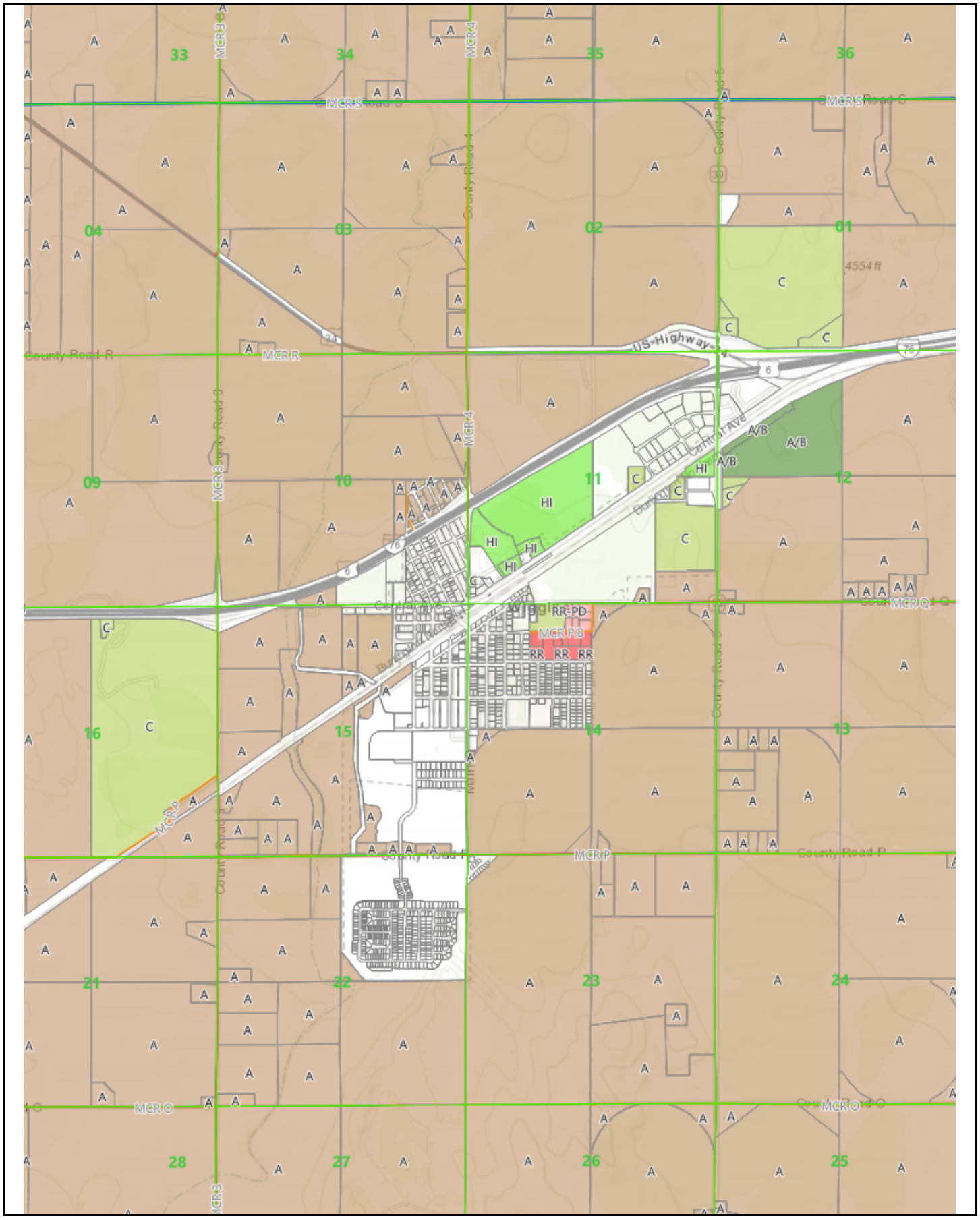

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