

PROPOSITION 122: ACCESSIBLE MUSHROOMS

- Natural Medicine Health Act of 2022
- “Colorado’s current approach to mental health has failed to fulfill its promise. Coloradans deserve more tools to address mental health issues, including approaches such as natural medicines that are grounded in treatment, recovery, health, and wellness rather than criminalization, stigma, suffering, and punishment”

- “Coloradans are experiencing problematic mental health issues, including but not limited to suicidality, addiction, depression, and anxiety...An extensive and growing body of research is advancing to support the efficacy of natural medicines combined with psychotherapy as treatment for depression, anxiety substance use disorders, end-of-life distress, and other conditions.”

- “Natural medicines have been used safely for millennia by cultures for healing”

SUBSTANCES COVERED BY THE NATURAL MEDICINE HEALTH ACT

- Effective December 22, 2022, the Act authorizes the personal use and services providing:

Psilocybin and Silocyn (Schedule I controlled substances under federal law)

- Both substances are hallucinogens (similar to LSD) found in more than 200 species of mushrooms, typically referred to as “magic mushrooms.”
- They may cause a person to see, hear or feel things that are not there, or experience anxiety, fear, nausea and muscle twitches accompanied by increased heart rate and blood pressure

- Magic mushrooms may cause heightened emotions and senses, causing people to feel happy and creative and to experience a sense of mental and emotional clarity.
- Ongoing research is examining the potential to use these substances to treat various mental health disorders, including anxiety, depression, obsessive-compulsive disorder and problematic substance use.

Effective June 2026 with DOR approval, authorizes personal use and services providing:

Dimethyltryptamine – a hallucinogenic in the tryptamine class obtained from certain South American plants and used by indigenous tribes in the Amazon for thousands of years. It is inactive in the mouth, but can be smoked, inhaled, injected or used as an enema.

Ibogaine – is a hallucinogenic compound derived from a specific shrub in western Central Africa. The roots and bark of the shrub can be effective in restoring good health, increasing sexual arousal or behavior, and reducing fever. Used in the U.S. and Europe as a nonaddictive treatment option for drug dependency and some research indicate it may be useful for treatment of neuropsychiatric conditions, alcohol use disorder and depression.

Mescaline (but not peyote) – a hallucinogenic drug derived from a small, blue-green cactus in the deserts of the Southwest and Mexico and another cactus found in South America. Usually consumed in the form of peyote buttons which are derived from the cacti. May be useful in addressing anxiety. Closely related to peyote, which has been used by Native Americans in ceremonies for 8,000 years.

WHAT THE PROPOSITION AUTHORIZES

- Personal Use
 - Broad permissive rights to ingest, use, cultivate and share
 - “within the context of counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services
 - No quantity limit cultivation, but must be in private home and secured from access
 - Prohibits sale or transfer to persons under 21

STATE REGULATION

- Licensing starting in 2024 of:
 - healing centers
 - other healthcare facilities
 - facilitators
- Administration of services
- Testing
- Advertising
- “Oversight requirements” for healing centers

STATE PREEMPTION (WHAT LOCAL GOVERNMENTS LIKE THE TOWN OF PALMER LAKE CANNOT DO)

- Town cannot ban or prohibit healing centers or services by a licensed facility
- Town cannot ban transportation on public roads by licensee or “as otherwise allowed”
- Town cannot do anything “unreasonable or in conflict with” the other provisions of the proposition
- Town cannot prohibit private in-home cultivation or use

LIMITATIONS ON LAW ENFORCEMENT

- Permitted conduct cannot alone be the basis for:
 - Detention, search, or arrest
 - Basis for reasonable suspicion
 - Child abuse or neglect (without actual threat)
- Not subject to seizure
- Cannot be harmed or destroyed

LOCAL REGULATION – WHAT THE TOWN OF PALMER LAKE CAN DO

- Can regulate time, place, and manner of operation of state licensed healing centers – will need to revise zoning code, but cannot prohibit healing centers completely
- Can impose lesser criminal/civil penalties – but will need to revise portions of Code prohibiting personal use
- Can regulate as part of personnel policies – conduct while at work or affecting work – policies may need to be updated