



# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
City Attorney	Nina P. Williams - City Attorney	January 7, 2025

## **AGENDA ITEM**

Ordinance No. 2025-02: An Emergency Ordinance Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers in the City of Salida, Colorado.

## **BACKGROUND**

Proposition 122 was adopted by Colorado voters and amended Title 12 of the Colorado Revised Statutes by adding Article 170 which is now known as the “Natural Medicine Health Act of 2022” (Act). In short:

- C.R.S. § 12-170-104(12)(a)(I)-(II) establishes that “natural medicine” currently applies to psilocybin and psilocin;
- C.R.S. § 12-170-104(8) defines “healing center” as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and
- C.R.S. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (CDOR) to promulgate and enact regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine.

C.R.S. § 12-170-112 confirms that a municipality shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt ordinances that are unreasonable or in conflict with the Act. C.R.S. § 12-170-115 similarly establishes that a municipality shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes.

The City’s current land use and development standards and zoning regulations, which are designed to protect the health, safety, and welfare of citizens and visitors alike, do not contemplate and/or approve the operation of Natural Medicine businesses, facilities, operations, and Healing Centers. As a result, such activities are not currently identified as permitted land uses in Salida.

The state Department of Regulatory Agencies (DORA) and Colorado Department of Revenue (CDOR) recently issued regulations pertaining to the Natural Medicine Act and began accepting licensing applications at the end of 2024. As a result, the City requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted within its authority including, but not limited to, time, place, and manner of operation regulations for Healing Center and Natural Medicine businesses, facilities, and operations in Salida.

The six-month temporary moratorium imposed by Ordinance 2025-02 is intended to prevent the operation of Natural Medicine and/or Healing Center businesses, facilities, and operations in the City on a temporary basis in order to allow the City to:

- analyze and apply the state of the law and regulations, to draft appropriate ordinances pertaining to the same, and to allow public comment prior to adoption of any such ordinance;

- to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine businesses, facilities, and operations are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding the same; and
- to protect the health, safety, and welfare of the residents of the City.

The six month temporary moratorium is a reasonable length of time and no longer than necessary for the City to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations regarding Natural Medicine and/or Healing Center businesses, facilities, and operations in the City's Code.

## **MOTION**

A City Councilmember should state "I move to adopt Emergency Ordinance No. 2025-02 – An Emergency Ordinance Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers in the City of Salida, Colorado," followed by a second and a roll call vote.