



Proposition 122 Overview: Access to Natural Psychedelic Substances

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Proposition 122: Access to Natural Psychedelic Substances

- Citizen initiative; statutory change
- Decriminalize the personal possession, growing, and sharing of five natural psychedelic substances by people age 21 and over. It does not decriminalize the sale of these products.
- Allow supervised use at state-licensed facilities, for people age 21 and over
 - Psychedelic mushrooms (2024)
 - Other natural psychedelics (*dimethyltryptamine, ibogaine, mescaline*), if determined by the state in 2026

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Decriminalization of personal use:

- Upon passage, the following acts are **not** an offense for individuals over the age of 21:
 - Possessing, storing, using, processing, transporting, purchasing, obtaining, or ingesting psilocybin, psilocin, DMT, ibogaine, and mescaline (excluding peyote)
 - Growing, cultivating, or processing plants or fungi containing those substances if kept on grounds of private residence and are secured from persons under 21
 - Assisting another person over the age of 21 or allowing property to be used in the actions above
- Personal use means:
 - Ingestion or use of substances and includes the amount a person may cultivate or possess to share
 - Does not mean selling
- Allows for records to be sealed

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Personal use penalties:

- The proposition establishes penalties for:
 - someone under the age of 21 who used psychedelic substances
 - someone over the age of 21 who didn't secure the psychedelic substances

- Penalties include:
 - for someone under 21: drug petty offense subject to no more than 4 hours of drug education at no cost
 - for someone over 21: civil fine of no more than \$250

- Prop. 122 specifies that a person cannot:
 - operate motor vehicle, possess in public buildings, ingest in public place, engage in conduct that endangers or harms others, require an employer to accommodate use, require medical insurance to reimburse a person for costs, etc.

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Supervised use at state-licensed facilities:

- “Regulated Natural Medicine Access Program” established in DORA
 - Regulate the manufacture, cultivation, testing, storage, transfer, transport, delivery, sale, and purchase between state-licensed facilities and other permitted entities
- By January 1, 2024: DORA must adopt rules for facilitators
- By September 30, 2024: DORA must adopt rules to implement program and begin accepting applications
 - 60 days after: decision on applications
- June 1, 2026: if recommended by Natural Medicine Advisory Board, DORA may add more substances (DMT; ibogaine; mescaline)

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Supervised use at state-licensed facilities:

- Lists specific rules that DORA must adopt:
 - Requirements governing the safe provision of natural psychedelic substances to participants
 - Licensing and practice requirements of facilitators
 - Licensing and operation of state-licensed facilities
 - Ensure program is equitable and inclusive
 - Application, licensing, and renewal fees for state-licensed facilities and facilitators
 - Develop and promote public education campaigns
 - Study and deliver recommendations to legislature for regulation of dosage for off-site use
 - Collect and publish data on implementation and outcomes
 - Other rules to protect the public health and safety
- DORA has authority to create and issue additional types of licenses and registrations

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Natural Medicine Advisory Board (repeals December 31, 2033)

- 15 member board appointed by the Governor by January 31, 2023
- Make recommendations by September 30, 2023 to DORA on:
 - Public health approaches for the educational campaigns
 - Research related to efficacy and regulation of the natural psychedelic substances
 - Content of training and educational qualifications for facilitators
 - Affordable, equitable, ethical, and cultural responsible access
 - Regulatory considerations
 - Addition of other substances
 - DORA rules in general
 - Requirements for accurate and complete data collection
- Review and evaluate research, sustainability issues, and publish annual report

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Local powers:

- Allows local governments:
 - to regulate time, place, and manner of operation of state-licensed facilities
 - enact laws imposing lesser criminal or civil penalties

- Local governments cannot:
 - ban or completely prohibit establishment or operation of state-licensed facilities
 - ban or completely prohibit a licensed health-care facility or individual from providing psychedelic services if they are permitted to provide services by DORA
 - adopt ordinances or regulations that are unreasonable or in conflict with the proposition

Questions?

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