

ORDINANCE NO. 2251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, ADDING A NEW CHAPTER 4.98 TO THE GOLDEN MUNICIPAL CODE TITLED NATURAL MEDICINE BUSINESS REGULATIONS AND AMENDING SECTION 18.42.030 PROHIBITED HOME OCCUPATIONS

WHEREAS, the City of Golden, Colorado, (“Golden” or the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to the people of Colorado’s 2022 passage of Proposition 122: “Access to Natural Psychedelic Substances,” which had the effect of decriminalizing the personal use of certain psychedelic substances and further mandating that the state create a regulatory scheme allowing supervised administration of psilocybin, otherwise known as psychedelic mushrooms; and

WHEREAS, in May of 2023, the General Assembly enacted Senate Bill 23-290 known as “Natural Medicine Regulation and Legalization” (the “Act”) which created a regulatory framework for state-licensed Facilitators to administer psilocybin to Participants in regulated facilities for pay, and allowing for state-licensed commercial cultivation, manufacturing and testing of psilocybin (“Natural Medicine Business”); and

WHEREAS, pursuant to the Act, state agencies will issue licenses which allow the operation of Natural Medicine Businesses beginning at the end of December 2024; and

WHEREAS, pursuant to the Act, Natural Medicine Businesses are not permitted to be located within 1,000 feet of any childcare center, residential childcare center, preschool, elementary school, middle school, or high school, unless modified by the local government where they are located; and

WHEREAS, the Act provides that local governments may not prohibit but are permitted to enact additional time, place, and manner restrictions on licensed Natural Medicine Businesses; and

WHEREAS, the City Council has reviewed the proposed regulations and has determined that such an addition to the Golden Municipal Code (the “Code”) is in the best interest of the public health, safety, and welfare and desires to adopt the same.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of City Council.

Section 2. A new Chapter 4.98, entitled “Regulated Natural Medicine Businesses,” is hereby added to Title 4 of the Golden Municipal Code to read in full as follows:

CHAPTER 4.98 – REGULATED NATURAL MEDICINE BUSINESSES

4.98.010 - Authority; Relationship to other laws.

- (a) The city council hereby finds and declares that it has the power to adopt this chapter and the prohibitions set forth herein pursuant to Part 1 of Article 50 Colorado Natural Medicine Code of Title 44 of the Colorado Revised Statutes, and Part 3 of Article 50 License Types of Title 44 of the Colorado Revised Statutes; the City of Golden Home Rule Charter and Municipal Code; and Article 20 of Title 29 Local Government Regulation of Land Use, Article 15 Exercise of Municipal Powers, and Part 3 of Article 23 Zoning of Title 31 of the Colorado Revised Statutes, as may be amended from time to time.
- (b) This chapter is known and may be cited as the “Golden Natural Medicine Code.” Reference to the Golden Natural Medicine Code and the applicable section or sections thereof shall be sufficient when citing the provisions of this chapter in any legal document, including, but not limited to, summons, subpoena, pleading, summons and complaint, and memorandum.
- (c) Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in the Colorado Natural Medicine Code and the Colorado Natural Medicine Rules, as promulgated by the Department of Revenue (“CDOR”) and the Department of Regulatory Agencies (“DORA”).

4.98.020 - Purpose.

The city council declares that the purpose of this chapter is to provide for the regulation of natural medicine businesses within the City for the purpose of protecting the health, safety, and welfare of Golden residents and guests.

4.98.030 - Definitions.

As used in this chapter, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this section. Other definitions not specifically enumerated in this section shall be as defined, as applicable, in the Colorado Natural Medicine Code, and the Colorado Natural Medicine Rules.

Administration Session means a session conducted at a healing center, or other location if permitted by the Colorado Natural Medicine Code or Colorado Natural Medicine Rules, during which a participant consumes and experiences the effects of natural medicine under the supervision of a facilitator.

Colorado Natural Medicine Code means Article 50 of Title 44 of the Colorado Revised Statutes, as may be amended from time to time.

Colorado Natural Medicine Rules means those rules governing state-licensed natural medicine businesses and state-licensed Facilitators as set forth in the Colorado Code of Regulations, 1 CCR 213-1 and 4 CCR 755-1, as may be amended from time to time.

Facilitator means an individual who is twenty-one years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to the Colorado Natural Medicine Rules, to perform and supervise natural medicine services for a Participant(s); and is licensed by the director of the Department of Regulatory Agencies Division of Professions and Occupations to engage in the practice of facilitation.

Healing Center means a facility where an entity is licensed by the State Licensing Authority that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Micro-Healing Center means a Healing Center licensee tier which is not permitted to store more than 750 milligrams of total Psilocin on site.

Natural Medicine Business means any Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Products Manufacturer, or Natural Medicine Testing Facility, licensed to operate pursuant to the Colorado Natural Medicine Code.

Natural Medicine Cultivation Facility means a facility licensed by the State Licensing Authority 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.

Natural Medicine Products Manufacturer means a person licensed by the State Licensing Authority 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 a post-administration integration session.

Natural Medicine Testing Facility means a public or private laboratory licensed or approved by the Department of Revenue Division of Natural Medicine to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine products.

Participant means a person who is 21 years of age or older and who receives Natural Medicine Services performed by or under the supervision of a Facilitator.

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

State Licensing Authority means the Executive Director of the Colorado Department of Revenue.

4.98.040 – Location of licensed natural medicine businesses.

- (a) *Where Natural Medicine Cultivation Facilities, Testing Facilities, and Products Manufacturers permitted.* Natural medicine cultivation facilities, natural medicine testing facilities, and natural medicine products manufacturers licensed by the state are permitted only in the M1 and M2 zone districts, and PUD zone districts that allow “manufacturing” uses, as defined by the City’s zoning regulations. If located in a PUD zone district, the business must additionally be at least 1,000 feet from any childcare center, residential childcare center, preschool, elementary school, middle school, or high school.
- (b) *Where Healing Centers permitted.* Natural medicine healing centers and micro-healing centers are permitted only in the C1, C2, CMU, M1, M2, and PUD zone districts that allow “office” uses, as defined by the City’s zoning regulations, and in addition must be at least 1,000 feet from any childcare center, residential childcare center, preschool, elementary school, middle school, or high school.
- (c) *Permanent location required.* Natural medicine businesses must be operated from a permanent location. Natural medicine businesses are prohibited from operating from or storing regulated natural medicine or natural medicine products in a moveable, mobile, or transitory location.
- (d) *Computation of distances.* The distance-restrictions set forth in this section are to be computed by direct measurement from the nearest property line of the land

used for a school or a facility to the nearest portion of the building in which the natural medicine business is located, using a route of direct pedestrian access.

(e) *Home occupation prohibited.* Natural medicine businesses shall not be permitted as a home occupation.

Section 3. Section 18.42.030 of the Golden Municipal Code, “Prohibited Home Occupations,” is hereby amended to read as follows, with additions shown in **bold** and deletions shown in ~~striketrough~~:

CHAPTER 18.42 - HOME OCCUPATION

18.42.030 - Prohibited home occupations.

[...]

(8) Natural Medicine Businesses, as defined by C.R.S § 44-50-103(14) and the Golden Natural Medicine Code.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision will not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8. The codifier of the City’s Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Golden Municipal Code.

Section 9. Violations of this ordinance shall be punishable in accordance with the provisions of Golden Municipal Code Section 1.01.110 and 1.01.150 and any other section of the code as applicable without limiting other remedies available at law or equity.

Section 10. This ordinance shall become effective five (5) days after publication following passage in accordance with Section 5.9 of the Charter for the City of Golden, Colorado

INTRODUCED, READ, AND PASSED AS AN ORDINANCE, ON FIRST READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN,
COLORADO, THE 19TH DAY OF NOVEMBER, 2024.

READ, PASSED, AND ADOPTED AS AN ORDINANCE ON SECOND READING,
FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GOLDEN, COLORADO, THE 3RD DAY OF DECEMBER, 2024.

Laura M. Weinberg
Mayor

ATTEST:

Monica S. Mendoza, CMC
City Clerk

APPROVED AS TO FORM:

Sandra M. Llanes
City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 19th day of November, 2024 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 3rd day of December, 2024, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 3rd day of December, 2024.

Witness my hand and official seal of the City of Golden, Colorado, on the 3rd day of December, 2024.



ATTEST:

MONICA S. MENDOZA

Monica S. Mendoza, City Clerk of the City of Golden,
Colorado