

COUNCIL BILL NO. 22

Series 2024

**A BILL FOR AN ORDINANCE ADOPTING LAND USE REGULATIONS FOR  
NATURAL MEDICINE BUSINESSES.**

WHEREAS, Colorado voters approved a citizens' initiative known as "Proposition 122: Access to Natural Psychedelic Substances," which is now codified in Colo. Rev. Stat. §§ 12-170-101 through 115 (the "Enabling Act");

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of certain natural medicine substances;

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities;

WHEREAS, the Enabling Act prohibits local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to adopt local regulations or local licenses governing the time, place and manner of operation of these facilities;

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the "Act"), to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture and testing of these substances;

WHEREAS, the Act provides that the "state licensing authority" as defined by the Act, will "not receive or act upon an application for the issuance of a natural medicine business license" ... "[f]or a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine product as contemplated is not permitted under the applicable zoning laws of the local jurisdiction;"

WHEREAS, the Act further provides that the state licensing authority will not receive or act upon an application for the issuance of a Natural Medicine Business License "[i]f the building where natural medicine services are provided within one thousand feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility . . .;"

WHEREAS, the Act further provides that "the governing body of a

1 municipality, by ordinance; . . . may vary the distance restrictions imposed by [the Act]  
2 . . . for a License or may eliminate one or more types of schools or facilities from the application  
3 of a distance restriction established by or pursuant to [the Act] . . .;”

4 WHEREAS, the Town of Breckenridge’s development code does not establish zone  
5 districts only by uses (e.g. residential, commercial or industrial zone districts);

6 WHEREAS, the Town has created overlay districts from time to time to regulate certain  
7 specific and new uses;

8 WHEREAS, the Town Council of the Town of Breckenridge desires to enact this  
9 ordinance to establish the appropriate areas for the operation of natural medicine businesses  
10 that are issued licenses pursuant to Act;

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12  
13 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**  
14 **BRECKENRIDGE, COLORADO:**

15  
16 **Section 1.** That new definitions be added to section 9-1-5 and placed in alphabetical  
17 order to read as follows:

18 **9-1-5: DEFINITIONS:**

19 HEALTH-CARE FACILITY: An entity that is licensed, certified, or otherwise permitted by law to  
20 administer medical treatment in Colorado, including a hospital, clinic, hospice entity,  
21 community mental health center, federally qualified health center, rural health clinic, organization  
22 providing a program of all-inclusive care for the elderly, long-term care facility,  
23 continuing care retirement community, or other type of entity where health-care is provided.

24  
25 NATURAL MEDICINE BUSINESS: means any of the following entities as defined by state law,  
26 as amended from time to time:

27 A. Healing Center: A facility where an entity is licensed by the State Licensing Authority  
28 pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise  
29 Natural Medicine Services for a Participant.

30 B. Natural Medicine Cultivation Facility: A location where Regulated Natural Medicine is  
31 grown, harvested, and prepared in order to be transferred and distributed to either a  
32 Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another  
33 Natural Medicine Cultivation Facility.

- 1 C. A Natural Medicine Products Manufacturer: A person who manufactures Regulated
- 2 Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another
- 3 Natural Medicine Products Manufacturer.
- 4 D. A Natural Medicine Testing Facility: A public or private laboratory licensed, or approved
- 5 by the Division, to perform testing and research on Regulated Natural Medicine and
- 6 Regulated Natural Medicine Product.

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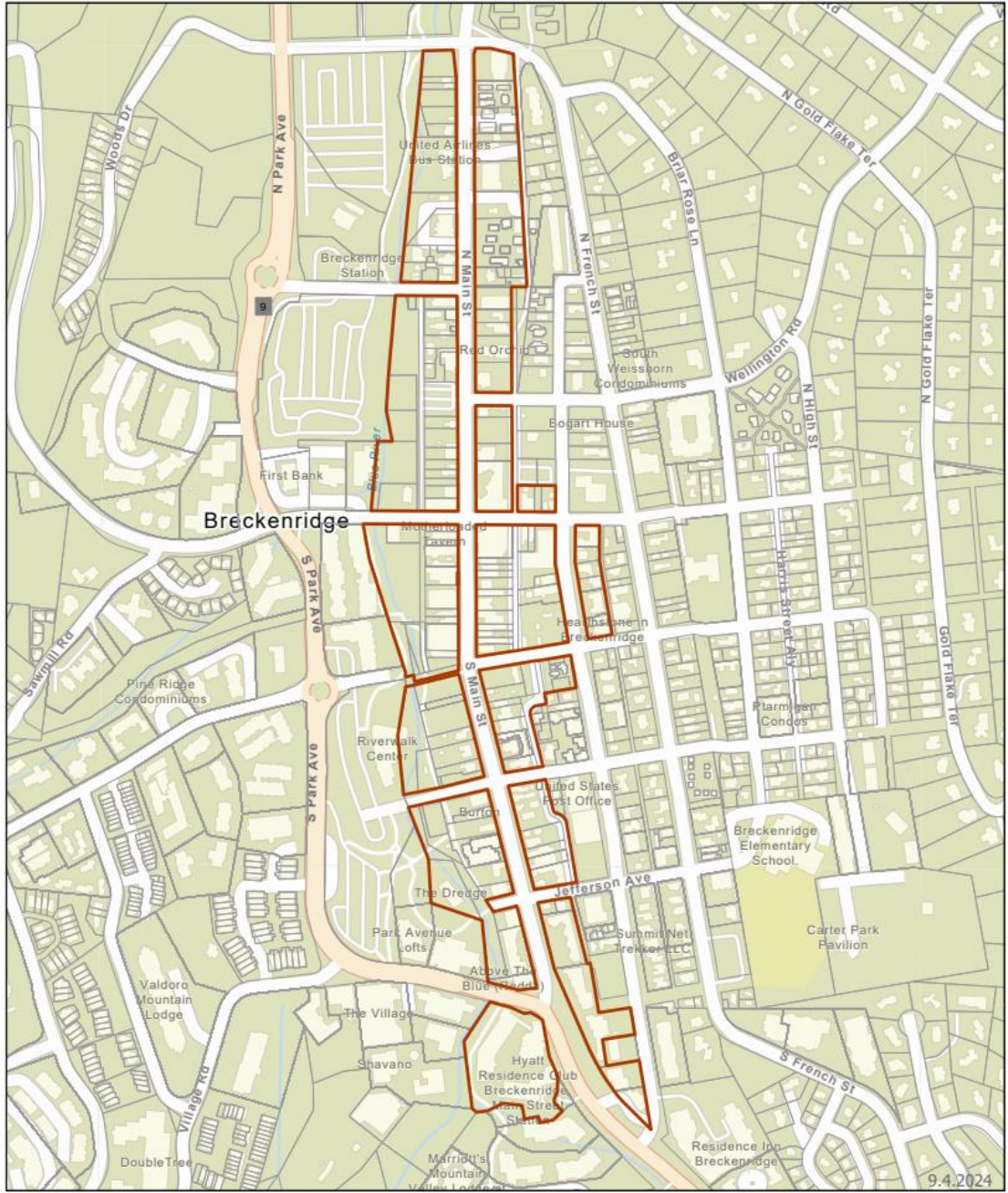
8 **Section 2.** That a new Policy 53A be added at section 9-1-19-53A, and entitled “Natural  
9 Medicine Businesses,” to read as follows:

10 Natural medicine businesses are permissible in accordance with state law except as provided  
11 by the following zoning and distances restrictions:


- 12 a. Natural Medicine businesses shall not be located within the Downtown Overlay District,  
13 as shown in section c. of this Policy, unless co-located with an existing Health Care Facility;
- 14 b. Natural Medicine Businesses shall not be:
  - 15 1. Within 1,000 feet of a licensed childcare facility.
  - 16 2. Within 1,000 feet of any preschool, elementary, middle, junior, or high school, or  
17 a residential childcare facility.

18 The distances in subsections b. 1 and b. 2 shall be measured as a straight line from the  
19 nearest property line.

- 20 c. Downtown Overlay District Map



Downtown Overlay District  
Town of Breckenridge

 Downtown Overlay



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**Section 3.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 10th day of September, 2024. A Public Hearing shall be held at the

1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of  
2 September, 2024, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
3 Town.

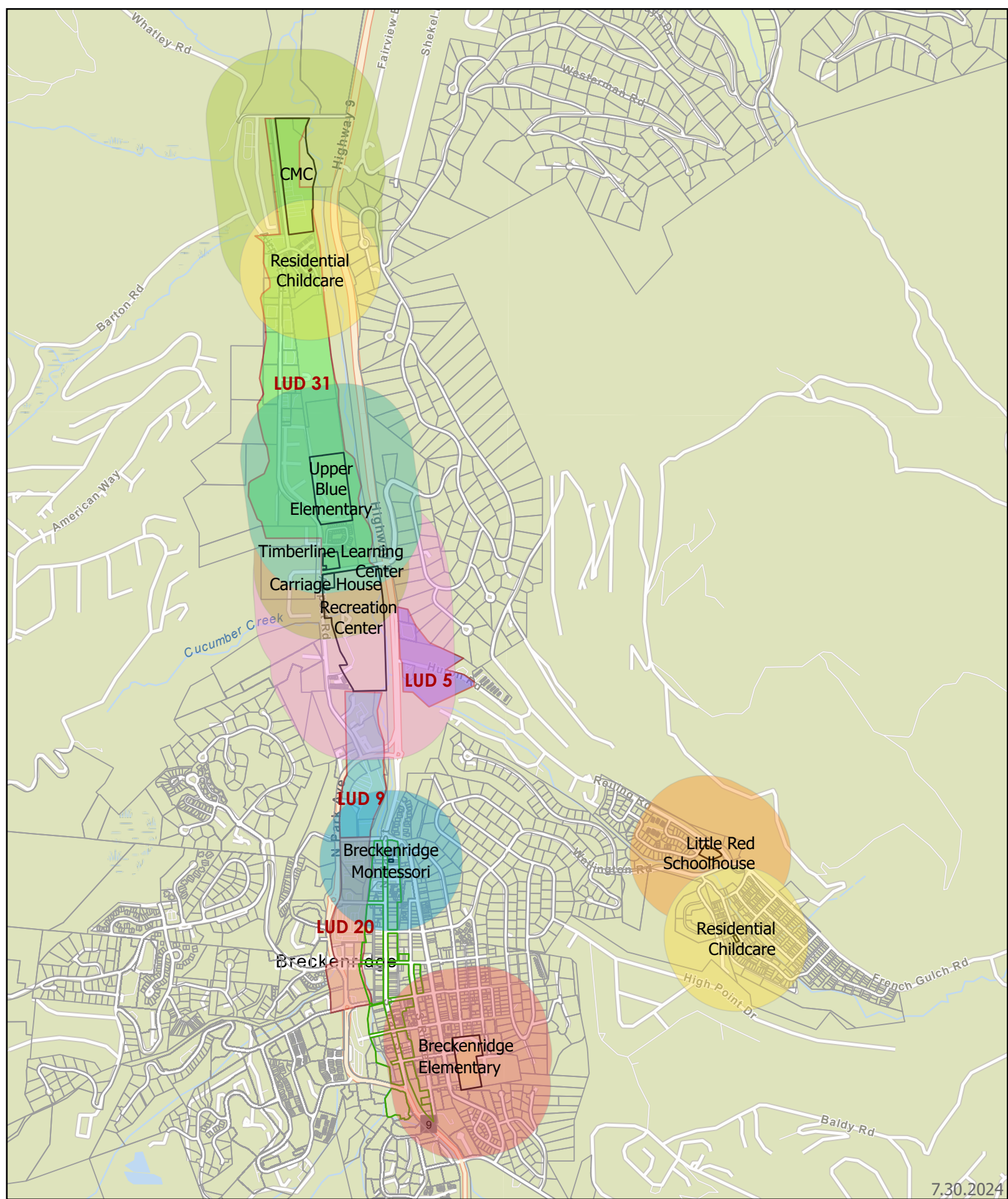
4  
5 TOWN OF BRECKENRIDGE, a Colorado  
6 municipal corporation

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9  
10 By: \_\_\_\_\_  
11 Kelly Owens, Mayor

12  
13 ATTEST:

14  
15  
16  
17 \_\_\_\_\_  
18 Helen Cospolich, CMC,  
19 Town Clerk

20  
21 ATTEST:



7.30.2024

# Natural Medicine Center Licensing Areas Town of Breckenridge

- |                                                                                             |                                                                                                                  |                                                                                                                     |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <span style="border: 1px solid green; padding: 2px;"> </span> Downtown Overlay              | <span style="background-color: #f08080; border: 1px solid black; padding: 2px;"> </span> 1000 Foot Buffer        | <span style="background-color: #fff9c4; border: 1px solid black; padding: 2px;"> </span> Residential Childcare      |
| <b>Land Use Districts</b>                                                                   | <span style="background-color: #f08080; border: 1px solid black; padding: 2px;"> </span> Breckenridge Elementary | <span style="background-color: #fce4ec; border: 1px solid black; padding: 2px;"> </span> Recreation Center          |
| <span style="background-color: #f08080; border: 1px solid black; padding: 2px;"> </span> 20 | <span style="background-color: #4db6ac; border: 1px solid black; padding: 2px;"> </span> Breckenridge Montessori | <span style="background-color: #ffe0b2; border: 1px solid black; padding: 2px;"> </span> Timberline Learning Center |
| <span style="background-color: #4db6ac; border: 1px solid black; padding: 2px;"> </span> 31 | <span style="background-color: #c8e6c9; border: 1px solid black; padding: 2px;"> </span> CMC                     | <span style="background-color: #e0f2f1; border: 1px solid black; padding: 2px;"> </span> Upper Blue Elementary      |
| <span style="background-color: #9575cd; border: 1px solid black; padding: 2px;"> </span> 5  | <span style="background-color: #d1c4e9; border: 1px solid black; padding: 2px;"> </span> Carriage House          |                                                                                                                     |
| <span style="background-color: #42a5f5; border: 1px solid black; padding: 2px;"> </span> 9  | <span style="background-color: #ffcc80; border: 1px solid black; padding: 2px;"> </span> Little Red Schoolhouse  |                                                                                                                     |

