

ORDINANCE NO. 25

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

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

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

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

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

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

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

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

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

- A. **Healing Center:** A facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.
- B. **Natural Medicine Cultivation Facility:** A location 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.
- C. **A Natural Medicine Products Manufacturer:** A person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.
- D. **A Natural Medicine Testing Facility:** A public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

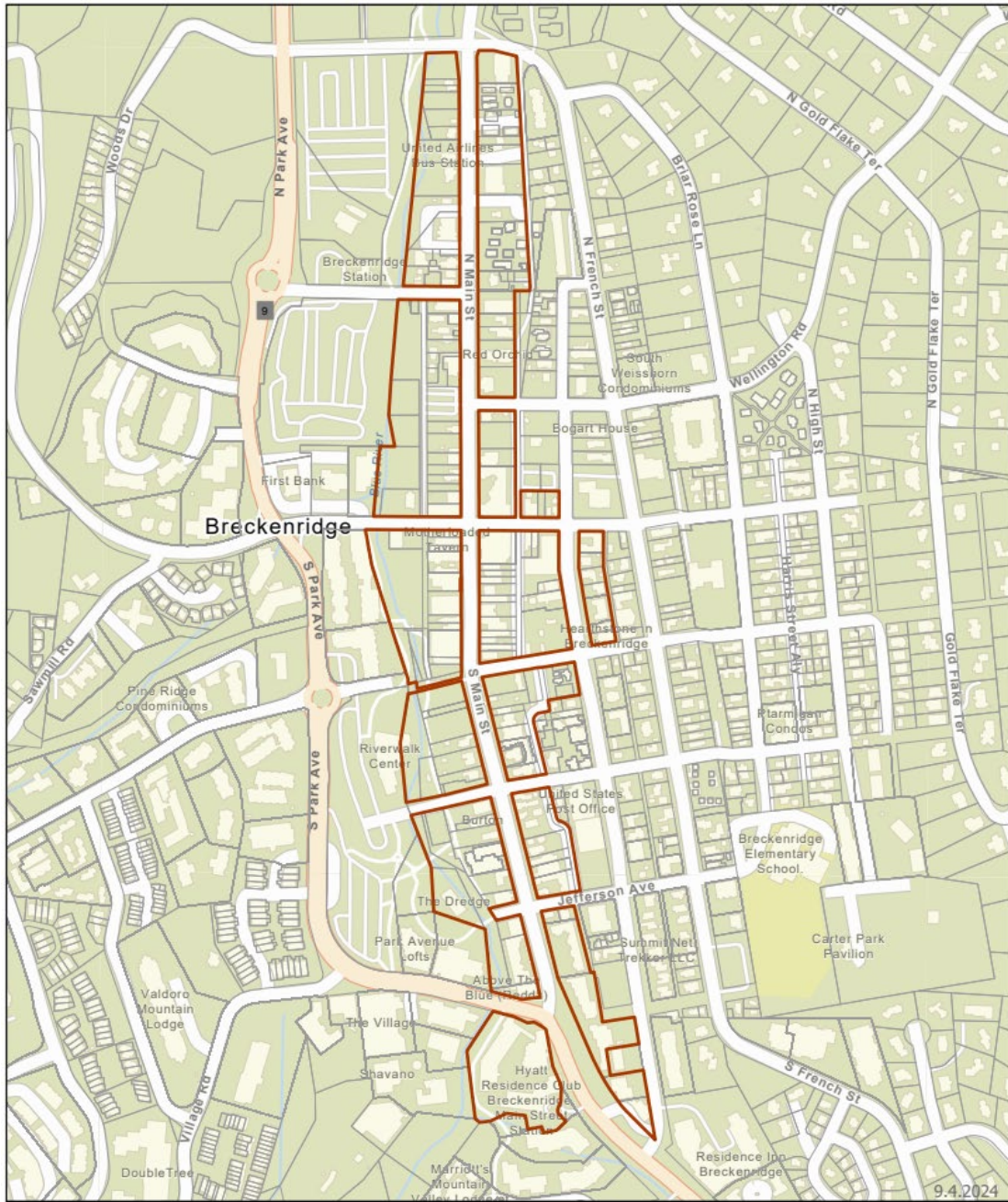
**Section 2.** That a new Policy 53A be added at section 9-1-19-53A, and entitled “Natural Medicine Businesses,” to read as follows:

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

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

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

- c. Downtown Overlay District Map



Downtown Overlay District  
Town of Breckenridge

 Downtown Overlay



**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.

This ordinance was published in full on the Town of Breckenridge website on September 11, September 12, September 13, September 14 and September 15, 2024.

A public hearing on this ordinance was held on September 24, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 24th day of September, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

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Kelly Owens, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney      Date

This Ordinance was published on the Town of Breckenridge website on September 27, September 28, September 29, September 30 and October 1, 2024. This ordinance shall become effective on October 31, 2024.