

Be it Enacted by the People of the State of Colorado:

SECTION 1: In Colorado Revised Statutes, 18-18-418, **add** subsections (7) and (8) as follows:

Section 18-18-418. Exemptions.

18-18-418. (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING CONDUCT IS NOT A VIOLATION OF STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE AND NO CONDUCT PERMITTED BY THIS SUBSECTION CONSTITUTES THE BASIS FOR INVESTIGATION, DETENTION, SEARCH, SEIZURE, ARREST, OR OTHER LEGAL PENALTY:

(a) THE POSSESSION, USE, CULTIVATION, PRODUCTION, SHARING, GIVING AWAY, AND DELIVERY OF “ENTHEOGENIC PLANTS AND FUNGI”, BY OR BETWEEN NATURAL PERSONS TWENTY-ONE YEARS OF AGE OR OLDER. AS USED HEREIN, “ENTHEOGENIC PLANTS AND FUNGI” MEANS PSILOCYBIN, PSILOCYN, IBOGAIN, Mescaline, AND DIMETHYLTRYPTAMINE, AS THOSE TERMS ARE DEFINED IN SECTION 18-18-203 (2)(c);

(b) THE PROVISION OF SUPERVISION, GUIDANCE, THERAPEUTIC, HARM REDUCTION, SPIRITUAL, OR SUPPORTIVE SERVICES WITH OR WITHOUT REMUNERATION BY NATURAL PERSONS TWENTY-ONE YEARS OF AGE OR OLDER TO NATURAL PERSONS WHO ARE ENGAGING IN THE INTENTIONAL AND CONSENTING USE OF ENTHEOGENIC PLANTS AND FUNGI; AND

(c) THE POSSESSION OF PARAPHERNALIA, AS DEFINED IN SECTION 18-18-426, DESIGNED FOR USE IN THE CULTIVATION, PRODUCTION, STORAGE, OR USE OF ENTHEOGENIC PLANTS AND FUNGI BY A NATURAL PERSON TWENTY-ONE YEARS OF AGE OR OLDER.

(8) EXCEPT AS OTHERWISE PROVIDED BY LAW, NOTHING IN SUBSECTION (7) OF THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PERMIT A PERSON TO DISTRIBUTE OR SELL ANY AMOUNT OF SUCH ENTHEOGENIC PLANTS AND FUNGI FOR REMUNERATION AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY.

SECTION 2: EFFECTIVE DATE. ALL PROVISIONS OF THIS INITIATIVE SHALL BECOME EFFECTIVE UPON THE EARLIER OF THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR OR THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE COLORADO CONSTITUTION.