

**Town of Erie  
Ordinance No. 041-2024**

**An Ordinance of the Town Council of the Town of Erie Adding a  
New Chapter 15 to Title 10 of the Erie Municipal Code, to Regulate  
Natural Medicine Businesses**

**Whereas**, the Town Council desires to amend the Erie Municipal Code to regulate, to the greatest extent possible, natural medicine businesses.

**Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:**

**Section 1.** Table 3-1 in Title 10 of the Erie Municipal Code is hereby amended to add natural medicine healing centers as a use permitted by right in the Business (B) zone district and the Community Commercial (CC) zone district, and to add a natural medicine business as a use permitted by right in the Light Industrial (LI) zone district.

**Section 2.** Title 10 of the Erie Municipal Code is hereby amended by the addition of a new Chapter 15, to read as follows:

**Chapter 15 – Natural Medicine Businesses**

**10-15-1 – Authority and purpose.**

A. The Colorado Natural Medicine Code, C.R.S. § 44-50-101, *et seq.* (the "CNMC") specifically authorizes the Town to regulate the time, place and manner of the operation of licenses issued pursuant to the CNMC, and specifically the location of cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine products.

B. The purpose of this Chapter is to regulate the location of buildings where natural medicine and natural healing services are provided.

**10-15-2 – Definitions.**

For purposes of this Chapter, the following terms shall have the following meanings:

*Natural medicine* means psilocybin or psilocyn and other substances described in the CNMC as natural medicine.

*Natural medicine business* means any of the following entities licensed under the CNMC: a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

*Natural medicine healing center* means a facility where an entity is licensed by the state licensing authority that permits a facilitator, as defined by the CNMC, to provide and supervise natural medicine services for a participant, as defined by the CNMC, which includes a participant consuming and experiencing the effects of regulated natural medicine or a regulated natural medicine product under the supervision of a facilitator.

*Natural medicine product* means a product infused with natural medicine that is intended for consumption, as provided by the CNMC.

*Natural medicine services* mean a preparation session, administrative session, and integration session, as provided by the CNMC.

*Participant* means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the CNMC.

*Regulated natural medicine* means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the CNMC.

*Regulated natural medicine product* means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the CNMC.

*State licensing authority* means the authority created under the CNMC for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the CNMC.

### **10-15-3 – Distance restrictions.**

A. No natural medicine business that provides natural medicine or natural healing services shall operate out of a building that is within one thousand (1,000) feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility, measured from the nearest property line of the land used for a school or facility to the nearest portion of the Healing Center, using a route of direct pedestrian access.

B. No natural medicine business that provides natural medicine or natural healing services shall operate out of a building that is within two hundred fifty (250) feet of a residential dwelling unit, measured from the nearest applicable property line using a route of direct pedestrian access.

C. This Section shall not apply to a licensed facility located on property owned by the Town or the State or to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

#### **10-15-4 – Operation.**

A. *Hours:* Natural medicine healing centers shall only operate between the hours of 8:00 a.m. to 8:00 p.m., Monday through Saturday. All other natural medicine businesses shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. *Public view:* All doorways, windows and other openings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities shall occur indoors.

C. *Lighting:* Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to Section 10-6-10.

D. *Storage:* All storage shall be located within a permanent building, and not a trailer, tent, or motor vehicle.

E. *Odor:* Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine, natural medicine products, natural medicine healing, and natural medicine healing products are confined to the premises and are not detectable beyond the property boundaries on which the business is located.

F. *Disposal:* Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed in an exterior refuse container.

G. *Processing:*

1. The processing of natural medicine that includes the use of hazardous materials, including without limitation flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

2. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located, or the exterior walls of the processing facility associated with the processing of natural medicine or natural medicine healing products.

3. The processing of natural medicine shall meet the requirements of all adopted Town building codes and other applicable law.

**10-15-5 – Violation and penalty.**

It is unlawful to violate this Chapter. Violations of this Chapter shall be subject to the civil penalties set forth in Section 1-4-4 of this Code. Each day of violation shall constitute a separate offense.

**Section 3. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

**Section 4. Safety.** The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

**Section 5. Effective Date.** This Ordinance shall take effect 10 days after publication following adoption.

**Introduced, Read, Passed and Ordered Published this 12<sup>th</sup> day of November, 2024.**

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Justin Brooks, Mayor

**Attest:**

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Debbie Stamp, Town Clerk