

**TOWN OF ERIE  
TOWN COUNCIL MEETING  
November 12, 2024**

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**SUBJECT:**           **Ordinance No. 041-2024**  
An Ordinance of the Town Council of the Town of Erie Adding  
New Chapter 15 to Title 10 of the Erie Municipal Code,  
Regulating Natural Medicine Healing Centers and Businesses

**PURPOSE:**           Unified Development Code amendment to regulate Natural  
Medicine Businesses within state law.

**CODE REVIEW:**    Erie Municipal Code, Title 10

**DEPARTMENT:**    Administration; Planning and Development

**PRESENTER:**       Kelsey Thede, Deputy Town Clerk; Kelly Driscoll, Planning  
Manager

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**STAFF RECOMMENDATION:**

Staff recommend that the Town Council adopt an ordinance amending Title 10 of the Erie Municipal Code regulating natural medicine healing centers and businesses.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

In November 2022, the Colorado voters approved Proposition 122, which decriminalized the use of certain psychedelic mushrooms and related substances also known as “natural medicine” for people 21 years of age and older. In May 2023, Senate Bill 23-290 titled “Natural Medicine Regulation and Legalization”, was signed by the Governor. The bill clarifies and sets the regulatory framework for a regulated natural medicine program in Colorado. Beginning in January 2025 the state will license natural medicine businesses.

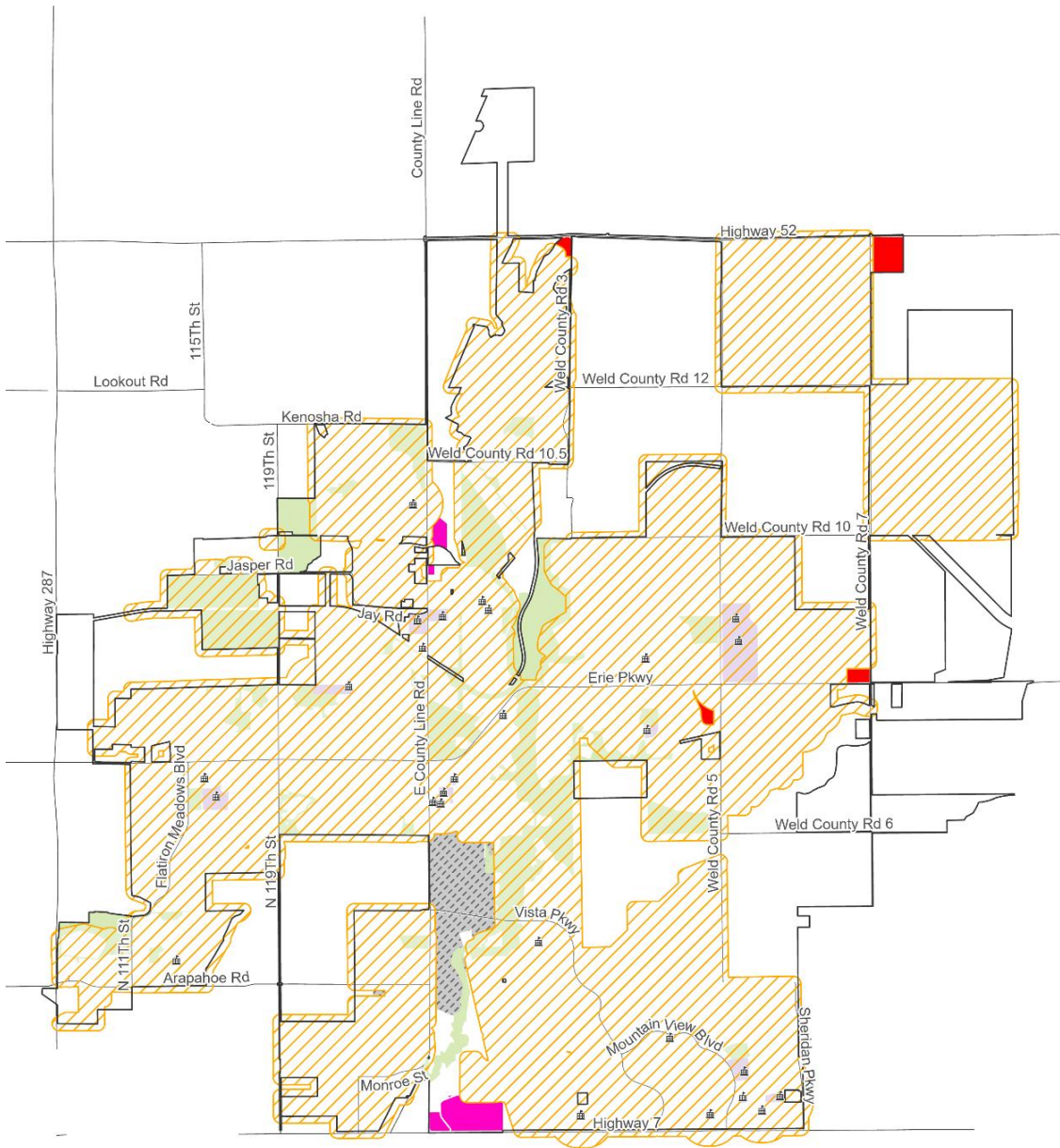
Senate Bill 23-290 prohibits local governments from banning the establishment or operation of natural medicine businesses and does not allow the local government to create unreasonable regulations that would not allow these establishments to operate. However, it does authorize the Town Council to enact ordinances to regulate the time, place, and manner of the operation of these State licensed establishments. The Town has no authority to require a local license to operate natural healing centers and natural medicine business in the Town.

The ordinance would establish a new chapter in Title 10—Chapter 15, Natural Medicine Businesses. The ordinance defines applicable terms within the proposed





Chapter 15, establishes distance requirements, hours of operation and other operational regulations as allowed within State law.




Town staff worked collaboratively to establish proposed distance requirements based on accepted best practices, ensure that the distance requirements are reasonable, and allow areas in Town where these establishments can operate. No natural medicine healing center or business shall be within 1,000 feet of a childcare center; residential childcare facility; preschool; elementary; middle; junior or high school or within 250 feet of any residential zoning. The map on the following page illustrates these buffers and potential locations based on existing zoning.

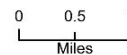
The ordinance also regulates the operation of natural healing centers and natural medicine businesses, including public view, lighting, storage, odor, disposal of byproducts, and processing. All activities must occur indoors, and public view into a natural medicine business must be screened. Storage is only allowed within permanent buildings. Processing natural medicine using hazardous materials is prohibited and must meet Town building codes and other applicable laws. Odor from a natural medicine business must not be detectable beyond the property boundaries. The disposal of natural medicine, remnants, or by-products must use secure disposal methods.



## Potential Locations for Natural Medicine Sales in Erie

-  Schools or Childcare Facilities
-  School or Childcare Property
-  Parks & Open Spaces
-  Ineligible Areas\*

- Zoning for Potential Natural Medicine Sales
-  Community Commercial (CC)
  -  Business (B)
  -  Light Industrial (LI)



\*The Ineligible Area includes any areas within 1000 ft from active schools or childcare properties, & also 250 ft from residential zoning.

Planning Commission considered the draft ordinance at their Oct 16 meeting. There was no public comment. Commissioner discussion and questions included:

- Are the zoning districts where natural medicine businesses are permitted the same as retail marijuana, and what about overlap/competition?

*Staff explained that the districts are like those permitting retail marijuana, with the addition of Light Industrial allowing production of natural medicine. The Town has limited commercially or industrially zoned properties.*

- Why not include Sunday hours in operational hours of natural medicine healing centers?

*The operational hours of Monday through Saturday from 8am to 8pm were selected to provide increased access to natural medicine healing centers beyond weekdays and 8am to 5pm. Planning Commission did not propose any changes to the draft ordinance.*

*Further research has revealed that restricting hours of operation for healing centers may prove overly restrictive and exclude traditional indigenous practices. Administration sessions can last from six to eight hours, depending on the dose. State law requires that facilitators provide proper supervision of patients during administration sessions, have a discharge plan for safe transportation, and protocols for when patients may be discharged. An alternative version of the ordinance is attached eliminating the operational hours for healing centers, for the Council's consideration.*

- Could an established natural medicine business continue to operate if a school or neighborhood is built within the proposed distance requirements?

*Once established a natural medicine business would be allowed to continue operating if a school or neighborhood was constructed within the proposed distance restrictions.*

- Why not limit the number of stores, like with retail marijuana?

*Due to state regulations, municipalities may not pass unreasonable regulations that would not allow these establishments to operate. Legal staff advised that municipalities may regulate time, place, and manner of operations. The limit on the number of retail marijuana stores was requested by Erie Police Department.*

- Can vehicles with signs advertise Natural Medicine Businesses?

*Regulations regarding signs would follow existing sign code regulations found in [10-6-2](#) of the UDC. Vehicles with the primary purpose of advertising are prohibited by existing code.*

- Why is carbon dioxide grouped with combustible and flammable materials such as butane and liquified petroleum gases (combustible and flammable)?

*Legal staff has clarified that the language related to the processing of natural medicine is a restriction that falls under this "time, place and manner"*

*authority and is not required by State law. In other words, the Act does not require the Town to include a restriction on "carbon dioxide" and the Town is free to modify this restriction to the extent that it does not conflict with the Act.*

The Planning Commission passed Resolution P24-15 unanimously to recommend to Town Council adopt an ordinance amending Title 10 of the Erie Municipal Code regulating natural medicine healing centers and businesses.

Two versions of the draft ordinance are attached for consideration. One is the original as considered by Planning Commission. The alternate version removes hours of operation regulations for natural medicine healing centers.

**Approval Criteria**

Section 10-7-18(C)(9) of the Erie Municipal Code states the following approval criteria when considering amendments to the text of the UDC:

1. The proposed amendment will promote the public health, safety, and general welfare; and
2. The proposed amendment is generally consistent with the Town’s Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

With the voter passage of Proposition 122 in November 2022, and Senate Bill 23-290 municipalities can reasonably regulate natural medicine businesses, specifically the time, place and manner of operations. By establishing this ordinance natural medicine businesses can be effectively regulated within the Town’s boundaries when state licensing beings on January 1, 2025.

**Public Notice:**

Notice was published on October 23 in the Colorado Hometown Weekly.

**Attachments**

1. Staff Report
2. Resolution P24-15
3. Ordinance No. 041-2024
4. Ordinance No. 041-204 Alternate
5. Presentation
6. Notice