

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1353**

**AN ORDINANCE ADOPTING THE TOWN OF BERTHOUD NATURAL MEDICINE HEALING
CENTERS AND NATURAL MEDICINE BUSINESSES REGULATIONS AS SECTION 14 IN
CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE**

WHEREAS, the People of the State of Colorado approved the citizens' initiative known as "Proposition 122: Access to Natural Psychedelic Substances," which is now codified in C.R.S. §§ 12-170-101 through 115 (the "Enabling Act"); and

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of five (5) natural psychedelic mushrooms (psilocybin and psilocin) and three (3) plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline); and

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; and

WHEREAS, the Enabling Act allows the state to expand the type of substances that may be used in licensed facilities to include plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline), starting in 2026; and

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 regulate the time, place and manner of operation of these facilities; and

WHEREAS the State of Colorado has established that local jurisdictions are only allowed to regulate time, place and manner for Natural Medicine Healing Centers and Natural Medicine Businesses; and

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in C.R.S. §§ 44-50-101 through 904 (the "Regulatory 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; and

WHEREAS, the Regulatory Act also provides that local jurisdictions, such as the Town of Berthoud, "may enact ordinances or regulations governing the time, place, and manner of the operation of licenses issued within its boundaries;" and

WHEREAS, the Regulatory Act provides that the "state licensing authority" as defined by the Regulatory 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;" and

WHEREAS, the Regulatory 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;" and

WHEREAS, the Regulatory Act further provides that "the governing body of a municipality, by ordinance; . . . may vary the distance restrictions imposed by [the Regulatory 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 Regulatory Act];" and

WHEREAS, the Town Board of the Town of Berthoud desires to enact this Ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Exhibit A which contains a new Section 14 to Chapter 30 of the Berthoud Municipal Code has been approved. The Land Use Table found in Section 3 of Chapter 30 of the Berthoud Municipal Code has been amended.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing to adopt the Berthoud Natural Healing Centers and Natural Medicine Businesses regulations.


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INTRODUCED, READ, AND APPROVED on first reading this 22nd day of April, 2025.

TOWN OF BERTHOUD

By 
William Karspeck, Mayor

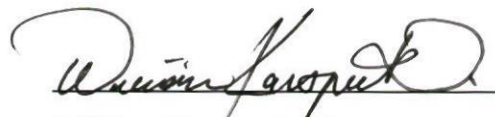
ATTEST:

By: 
Christian Samora, Town Clerk




INTRODUCED, READ, ADOPTED, AND APPROVED on second reading this 13th day of May, 2025.

TOWN OF BERTHOUD

By 
William Karspeck, Mayor

ATTEST:

By: 
Christian Samora, Town Clerk



**Chapter 30 Section 14: REGULATIONS FOR NATURAL MEDICINE HEALING CENTERS AND OTHER
NATURAL MEDICINE BUSINESSES**

**Chapter 30 Section 3: LAND USE TABLE INCLUSION OF THE USES "NATURAL MEDICINE HEALING
CENTERS" AND "OTHER NATURAL MEDICINE BUSINESSES"**

30-14-101 Authority; relationship to other laws

- A. The Town Board of Trustees hereby finds and declares that it has the power to adopt this Section and the prohibitions set forth herein pursuant to Part 1 of Article 50 Colorado Natural Medicine Code of Title 44 of the Colorado Revised Statutes, and Part 3 of Article 50 License Types of Title 44 of the Colorado Revised Statutes; the Town of Berthoud Municipal Code; and Article 20 of Title 29 Local Government Regulation of Land Use, Article 15 Exercise of Municipal Powers, and Part 3 of Article 23 Zoning of Title 31 of the Colorado Revised Statutes, as may be amended from time to time.
- B. This Section is known and may be cited as the "Berthoud Natural Medicine Code." Reference to the Berthoud Natural Medicine Code and the applicable section or sections thereof shall be sufficient when citing the provisions of this Section in any legal document, including, but not limited to, summons, subpoena, pleading, summons and complaint, and memorandum.
- C. All natural medicine businesses shall meet the requirements of the Colorado Natural Medicine Code, all other applicable state laws, the Colorado Regulated Natural Medicine Rules, as promulgated by the department of revenue and the Natural Medicine License Rules and Regulations, as promulgated by the department of regulatory agencies. The Colorado Regulated Natural Medicine Rules and the Natural Medicine License Rules and Regulations as either or both may be amended are collectively referred to in this Section as the Colorado Natural Medicine Rules.
- D. All persons cultivating natural medicine, and operating natural medicine cultivation facilities, testing facilities, products manufacturing facilities, and natural medicine healing centers shall meet the requirements of the Town of Berthoud Development Code, as provided in Chapter 30 of the Berthoud Municipal Code, including all applicable overlay district provisions and standards. For example, a person redeveloping any land for any such shall meet the requirements of the then current site design, architectural and landscaping standards.

30-14-102 Purpose

The Town Board of Trustees declares that the purpose of this Section is to provide for the regulation of natural medicine businesses within the Town for the purpose of protecting the health, safety, and welfare of Berthoud residents and guests.

30-14-103 Definitions

As used in this Section, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this Section. Other definitions not specifically enumerated in this Section shall be as defined, as applicable, in the Colorado Natural Medicine Code, and the Colorado Natural Medicine Rules.

Administration session means a session conducted at a healing center, or other location if permitted by the Colorado Natural Medicine Code or Colorado Natural Medicine Rules, during which a participant consumes and experiences the effects of natural medicine under the supervision of a facilitator.

Colorado Natural Medicine Code means Article 50 of Title 44 of the Colorado Revised Statutes, as may be amended from time to time.

Colorado Natural Medicine Rules means those rules governing state-licensed natural medicine businesses and state-licensed facilitators as set forth in the Colorado Code of Regulations, 1 CCR 213-1 and 4 CCR 755-1, as may be amended from time to time.

Facilitator means an individual who is 21 years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to the Colorado Natural Medicine Rules, to perform and supervise natural medicine services for a participant(s); and is licensed by the director of the department of regulatory agencies division of professions and occupations to engage in the practice of facilitation.

Healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant.

Micro-healing center means a healing center licensee tier which is not permitted to store more than 750 milligrams of total psilocin on site.

Natural medicine business means any healing center, natural medicine cultivation facility, natural medicine products manufacturer, or natural medicine testing facility, licensed to operate pursuant to the Colorado Natural Medicine Code.

Natural medicine cultivation facility means a facility licensed by the state licensing authority 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.

Natural medicine products manufacturer means a person licensed by the state licensing authority who manufactures regulated natural medicine products for transfer to a healing center, facilitator, or to another natural medicine products manufacturer.

Natural medicine services means a preparation session, administration session, and a post-administration integration session.

Natural medicine testing facility means a public or private laboratory licensed or approved by the department of revenue division of natural medicine to perform testing and research on regulated natural medicine and regulated natural medicine products.

Participant means a person who is 21 years of age or older and who receives natural medicine services performed by or under the supervision of a facilitator.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Colorado Natural Medicine Code.

State licensing authority means the executive director of the Colorado Department of Revenue.

30-14-104 Location of licensed natural medicine businesses.

- A. *Where natural medicine cultivation facilities, testing facilities, and products manufacturers permitted.* Natural medicine cultivation facilities, natural medicine testing facilities, and natural medicine products manufacturers are permitted only in the Industrial M1 and M2 zone districts and on land appropriately zoned and only on land located 100' north of Mountain Avenue, south of Bunyan Avenue, east of the rail line and west of 1st Street. The distance of which is measured in a linear (straight line) manner from edge of property to edge of property.
- B. *Where healing centers permitted.* Natural medicine healing centers and micro-healing centers are permitted only in the Commercial C1 and C2, and Suburban and Urban Commercial/Business zone districts except for those located on Mountain Avenue between 6th Street and 1st Street, and in addition, must be at least 1,000 feet from any childcare center, residential childcare center, preschool, elementary school, middle school, or high school. The distance shall be computed by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the building in which natural medicine services are provided, using a route of direct pedestrian access. The distance of which is measured in a linear (straight line) manner from edge of property to edge of property.
- C. *Separation of similar uses.* There shall be a distance of at least 1,000 feet between natural medicine cultivation facilities, natural medicine testing facilities, and natural medicine products manufacturers. The distance shall be computed by direct measurement from the nearest property line of the land used for a facility or manufacturer to the nearest portion of the building in which the facility or manufacturer is housed, using a route of direct pedestrian access.
- D. *Permanent location required.* Natural medicine businesses must be operated from a permanent location. Natural medicine businesses are prohibited from operating from or storing regulated natural medicine or natural medicine products in a moveable, mobile, or transitory location.
 - 1. All storage of natural medicine and natural medicine product shall be in a secured and locked container. Natural medicine cultivation facilities shall ensure that any natural medicine under cultivation is kept in an enclosed locked area.
 - 2. No natural medicine business shall be operated as a home occupation; this does not preclude facilitators from providing natural medicine services at a person's residence in compliance with the Colorado Natural Medicine Rules and other applicable state regulations.
 - 3. Healing centers and micro-healing centers shall not operate outside of the hours of 7 a.m. to 7 p.m., Monday through Saturday.
- E. *Public View.* All doorways, windows and other openings of a natural medicine business shall be located, covered or screened in such a manner as to prevent a view into the interior of said businesses. All activities associated with natural medicine businesses shall occur indoors.

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1. The primary entrance shall face the street.
- F. *Processing.* The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
1. 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.
 2. The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes.
 3. The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.
- G. *Lighting.* All facility lighting shall comply with the lighting standards of the Berthoud Municipal Code. In addition, primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing lights to provide for after-dark visibility for all patrons, employees and the general public.
- H. *Security.* The following shall apply to all natural medicine healing centers and all other natural medicine businesses.
1. A security plan for the secure storage of natural medicine and natural medicine products approved by the Colorado Natural Medicine Division shall be provided to the Town prior to beginning operation, and shall provide any updated plans to the Town within ten (10) business days.
 2. Video surveillance recordings shall be retained for a minimum of sixty (60) days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as the full unedited version.
 - a. Video surveillance shall provide coverage of all facility entrances and exits.
 - b. Video surveillance recordings shall be maintained in a locked area on the licensed premises.
 - c. Video surveillance recordings shall be duplicated and stored at a secure off-site location or through a network (cloud) service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the Town and updated within seventy-two (72) hours of any change to the location or provider.
 - d. Video surveillance records and recordings must be made available immediately upon request of the state licensing authority, or Town police department.

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- e. If video surveillance or storage equipment becomes inoperable or storage network service becomes disabled, the natural medicine healing center or other natural medicine business shall cease all transactions and require all patrons to exit the building until the equipment or network service is made operable.
 - 3. A monitored security alarm shall be present to provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with interior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults.
 - I. *Odor from Natural Medicine Business.* An air filtration and ventilation system shall be designed and installed to ensure the odors from a natural medicine business are confined to the premises and are not detectable or discernible beyond the property boundaries of the land on which the licensed premises is located.
 - J. *Nuisance.* It is unlawful and deemed a nuisance under this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer, sanitary sewer, potable water, or non-potable water system in the Town.
 - K. *Waste product, remnants or byproduct.* Natural medicine businesses shall provide for secure disposal of natural medicine waste product, remnants or byproduct. Natural medicine waste, remnants and/or byproduct shall not be placed in the facilities' exterior waste container, nor shall it be in any way accessible to the public.
 - L. *Unlawful conduct.*

It shall be deemed unlawful for any natural medicine business to violate any provision of the Berthoud Natural Medicine Code. It shall further be deemed unlawful for any natural medicine business to administer natural medicine to a minor, a visibly intoxicated person, or anyone who is not otherwise eligible or appropriate for administration of natural medicine under state laws.

M. *Unlawful cultivation of natural medicine*

- 1. It shall be unlawful for any person to knowingly cultivate natural medicine that cumulatively exceeds an area of more than twelve- (12) feet wide by twelve- (12) feet long in one or more cultivation areas on private property.
- 2. It shall be unlawful for any person that owns, occupies, or controls private property to knowingly allow the cultivation of natural medicine that cumulatively exceeds an area of more than twelve- (12) feet wide by twelve- (12) feet long in one or more cultivation areas on such private property.
- 3. It shall be unlawful for any person to knowingly cultivate natural medicine on private property outside of an enclosed and locked space.

4. It shall be unlawful for any person that owns, occupies, or controls private property to knowingly allow the cultivation of natural medicine on such private property outside of an enclosed and locked space.
5. It shall not be a violation off Subsections (c) and (d) above if the person cultivating natural medicine is twenty-one (21) years of age or older, if the cultivation area is locked in a dwelling on the private property; provided that if a person under twenty-one (21) years of age lives at the dwelling, the cultivation area itself is enclosed and locked; or if a person is under twenty-one (21) years of age enters a dwelling that contains external locks, the person cultivating the natural medicine shall ensure that access to the cultivation area is reasonably restricted for the duration of the person under twenty-one (21) years of age's presence in the private property.

N. Severability.

If any clause, sentence, or paragraph, or part of this ordinance shall be held invalid, the validity of the remainder of this ordinance shall not be invalidated or effected thereby.

Table 3.3: LAND USE TABLE

The following uses in red font shall be added to the Land Use Table, Table 3.3 located in Section 3 of Chapter 30 of the Berthoud Municipal Code. The uses of "Movie Theater" and "Manufacturing plants including assembly, sales and service of commodities" are placeholders to provide MuniCode the location where the two new uses should be located. The entire Table 3.3 is not changing other than including the uses listed in red font below.

Land uses contemplated in the Town's Zone Districts are found in the table below. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those Land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as listed below.															
	Ag	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
<i>Commercial, retail or service land uses</i>															
Movie theater				P						P		P	P	P	
Natural Medicine Healing Center, see Section on Natural Healing Centers and Other Natural Medicine Businesses												P	P		
<i>Industrial land uses</i>															
Manufacturing plants including assembly, sales and service of commodities														P	P
Other Natural Medicine Businesses, see Section on Natural Healing Centers and Other Natural Medicine Businesses														P	P