

Could Colorado communities not friendly to medicinal mushrooms put up roadblocks to stymie the industry?

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No city or town in Colorado is allowed to prohibit natural medicine healing centers from opening and offering supervised consumption of

mushrooms and other psychedelics to adults—that much was plain in an initiative passed by the state's voters two years ago.

But [local governments](#) have enough tools in their regulatory toolbox to make the process of establishing such facilities nothing short of a bad trip, as recent rule-making in Parker, and discussions to do the same in Castle Rock, have shown.

Using time, place and manner powers, municipalities can curtail hours of operation and limit the locations of healing centers to a point where players in the nascent industry may feel it's not worth giving it a go.

"It's way too restrictive and unrealistic," said Beth Jauquet, a psychedelic counselor and registered dietitian who last week pleaded with elected leaders in Castle Rock to dial back plans to rein in an industry that voters approved in a statewide vote in 2022.

Her business, Primalized Health Consultants, which offers acupuncture, nutrition counseling and massage, also provides guided psychedelic journeys that are permitted under the new state law's provision that allows adults 21 and older to share the substances. But Jauquet told the council that new location and time restrictions as part of formal regulations for the industry could hobble that side of her business.

The fast-growing town of 80,000 is considering drawing 1,000-foot setbacks for the facilities from day care centers, schools and homes, leaving just a sliver of industrial zoning in Castle Rock available for psychedelic healers to ply their craft. The town is also talking about restricting operating hours at healing centers from 8 a.m. to 5 p.m. Monday through Friday—no evening or weekend services allowed.

Jauquet, whose business has been operating in Castle Rock for 14 years, said many of her patients are [military veterans](#), some of whom suffer

from post-traumatic stress syndrome and depression. Psychedelics have been found to be effective in treating symptoms of those conditions. Putting up roadblocks to them getting treatment is unconscionable, she said.

"The veterans are tired of being on all their medications," Jauquet said.

Castle Rock is following in the footsteps of Parker, which in February became the state's first municipality to draw up local rules regulating the natural medicine sector. Both towns are in Douglas County, the conservative swath of southern suburbs that voted down the psychedelics legalization measure by a 10-point margin two years ago.

Douglas County has also been consistent in rejecting Colorado's legal marijuana marketplace, banning the sale and cultivation of the drug over the past decade.

"I don't want it here at all," Castle Rock Town Councilman Tim Dietz said last week during a town council meeting, echoing the publicly stated sentiments of most elected leaders in both towns.

But Proposition 122, which passed statewide by a 7-point margin in 2022, did not allow for a local opt-out as was the case with Colorado's 2012 recreational pot legalization measure. Parker Assistant Town Manager Jim Maloney made that clear in addressing the town council in February.

"We are time, place, manner," he said matter-of-factly. "Sorry. That's all we can do."

Maloney said the rules the town put forward comply with last year's legislative bill codifying how Colorado's newly legal psychedelics industry will take shape.

Colorado's new natural medicine law legalizes psilocybin and psilocin, two compounds found in "magic mushrooms," for use in therapeutic settings and paves the way for the creation of healing centers where adults 21 years old and up can trip under the supervision of licensed professionals. It does not allow psychedelics to be sold in a retail setting.

The law also decriminalizes the personal growing, use and sharing of psilocybin and psilocin, as well as ibogaine, mescaline and dimethyltryptamine, or DMT, for adults.

The state, through both the Department of Revenue and the Department of Regulatory Affairs, has yet to issue a set of rules for the natural medicine industry. It will hold its final rule-making workgroup meeting this week and promulgate its rules in the fall, said Heather Draper, a spokeswoman for the state's Natural Medicine Division.

Applications for healing center licenses will be accepted starting in December with the first licenses expected to be issued early in the new year.

"We're only the second state to try and stand up a natural medicine program so there's not a lot we can go on," Draper said.

Oregon was the first—four years ago.

But Parker and Castle Rock didn't wait for the state regulations to come down before addressing the issue in their own backyards.

"We saw this and we said, 'Let's get ahead out of this,'" Parker Mayor Jeff Toborg said in an interview with The Denver Post.

The town, he said, thought the best approach would be to file future healing centers in the same category as medical or dental offices—with

buttoned-down banker's hours and dark weekends.

"What office hours would a doctor's office have? What hours would a dentist's office have?" Toborg said. "That's 8 to 5."

The mayor acknowledged that there are no town requirements that doctor's offices open or close at a certain time. Castle Rock will likely vote on the issue in September.

"I don't love the idea of being—for lack of a better word—the guinea pig," Castle Rock Mayor Jason Gray said at the town council meeting last week. "But I also don't want to be shutting down businesses that are legitimately going to open in Castle Rock and legitimately help people."

Not all Colorado communities will take the cut-and-dried approach Parker took, and that Castle Rock may adopt, too. Denver has spent the last five months discussing a medicine licensing framework through a Natural Medicine Work Group run through the city's Department of Excises and Licenses. The work group's final meeting was last week.

Eric Escudero, spokesman for the department, said it's not yet clear whether the work group will even forward regulations for the City Council to consider. That may be unsurprising, given that Denver was the nation's first city to decriminalize magic mushrooms five years ago.

"There is a critical need for a lot of people who need treatments for PTSD, for depression, for drug addiction," Escudero said.

Jauquet, in Castle Rock, said she understands the resistance to a new industry like natural medicine involving psychedelics, especially in politically conservative communities like hers. But she said it's largely based on fear of the unfamiliar.

If Parker's and Castle Rock's rules become the playbook for other small Colorado communities seeking a backdoor way of getting around the opt-out prohibition in Prop 122, she said, it would be detrimental for those who need the treatments. But it may just work, she said.

"We're lovers, not fighters," Jauquet said. "Instead of having that fight, the people in the industry will just leave."

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