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## **Native American Church of North America**

P.O. Box 1424  
New Town, ND 58763



October 29, 2025

Colorado Department of Regulatory Agencies (DORA)  
Natural Medicine Advisory Board  
1560 Broadway, Suite 110  
Denver, CO 80203

RE: Formal Request for Tribal Consultation  
and Protection of Peyote under the Colorado  
Natural Medicine Health Act  
(Proposition 122)

Dear Members of the Natural Medicine Advisory Board and DORA Leadership,

We write on behalf of the Native American Church of North America (NACNA) to express our deep concern regarding the implementation of Colorado Proposition 122, "Natural Medicine Health Act of 2022", and the lack of government-to-government consultation with federally recognized tribes and Native American Church (NAC) organizations.

Peyote (*Lophophora williamsii*) is a sacred medicine central to our traditional religious ceremonies and cultural identity. It is protected under the American Indian Religious Freedom Act Amendments of 1994 (42 U.S.C. §1996a), and its use is explicitly recognized as a constitutional and religious right of Native peoples.

We acknowledge that Proposition 122 excludes peyote by name; however, the inclusion of 'mescaline (not derived from peyote)' and continued public discourse surrounding decriminalization efforts have caused widespread confusion and harm. These developments proceed without meaningful consultation with the sovereign tribal nations and Native American Church organizations who have stewarded peyote for centuries.

We therefore request the following actions:

1. Formal, government-to-government consultation between the State of Colorado and federally recognized tribes before any further rulemaking or legislation concerning natural medicines that could affect Indigenous sacred medicines.
2. Written reaffirmation by DORA and the Natural Medicine Advisory Board that peyote will remain permanently excluded from any decriminalization, regulation, or licensing program.
3. Inclusion of Native American representatives appointed by tribes and NAC leadership on any advisory panels or working groups addressing natural medicines or mescaline.

4. Public education efforts clarifying that peyote remains protected and reserved for Indigenous ceremonial use under federal law.

Respect for tribal sovereignty and Indigenous spiritual traditions is a legal and moral responsibility. We expect that Colorado's agencies will honor these obligations and ensure that peyote remains safeguarded from misappropriation and exploitation.

Respectfully,



Jon Brady, President  
Native American Church of North America  
brady\_jon@hotmail.com  
701.421.4343

Attachments:

- NACNA Resolution to Protect the Sacred Medicine Peyote and Demand Formal Consultation on State Psychedelic Policies
- NCAI Resolution Affirming Support for the AIRFAA and Calling for Federal Preemption as it Pertains to the Legalization and/or Decriminalization of Peyote (*Lophophora williamsii*) and its Byproducts
- NACNA, OK, NCAI Joint Organizational Statement Ceremonial and Cultural Dispossession, Exploitation, and Inadequate Exploitation



Resolution No. \_\_\_\_\_

**A Resolution of the Native American Church of North America (NACNA) to Protect the Sacred Medicine Peyote and Demand Formal Consultation on State Psychedelic Policies**

WHEREAS, Peyote (*Lophophora williamsii*) is a sacred medicine central to the religious, cultural, and spiritual life of Indigenous peoples across North America, particularly within the Native American Church; and

WHEREAS, the American Indian Religious Freedom Act Amendments of 1994 (42 U.S.C. §1996a) protect the ceremonial use of peyote by members of federally recognized tribes; and

WHEREAS, Colorado Proposition 122 "Natural Medicine Health Act" was enacted without formal tribal consultation and has caused confusion concerning peyote and mescaline; and

WHEREAS, the affirms that peyote must never be included in any decriminalization, legalization, or commercialization of psychedelic substances;

**THEREFORE BE IT RESOLVED THAT:**

1. The NACNA calls upon the Colorado Department of Regulatory Agencies and the Natural Medicine Advisory Board to reaffirm that peyote is permanently excluded from all state natural medicine frameworks;
2. The NACNA demands formal consultation with all affected tribes and Native American Church organizations before any future state action concerning natural medicines;
3. The NACNA directs that copies of this resolution be transmitted to the Governor of Colorado, the DORA Executive Director, the Natural Medicine Advisory Board, and the National Council of Native American Churches.

Adopted this 29<sup>th</sup> day of October, 2025.

Signed,

Jon Brady, NACNA President

Attested by:

\_\_\_\_\_  
Jessica Williams, NACNA Secretary



## NATIONAL CONGRESS OF AMERICAN INDIANS

### The National Congress of American Indians Resolution ECWS-22-009

**TITLE: Affirming Support for the American Indian Religious Freedom Act as Amended and Calling for Federal Preemption as it Pertains to the Legalization and/or Decriminalization of Peyote (*Lophophora williamsii*) and its Byproducts**

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#### NCAI HEADQUARTERS

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the Peyote plant is sacred to many American Indian and Alaska Native (AI/AN) Peoples; and

**WHEREAS**, certain lands in Texas, the American Southwest, and Mexico are places of spiritual importance and are the only place on Mother Earth where the sacred Peyote plant still grows wild; and

**WHEREAS**, in the American Indian Religious Freedom Act (AIRFA) as amended, Congress recognized that "for many Indian people, the traditional ceremonial use of the peyote cactus as a religious sacrament has for centuries been integral to a way of life, and significant in perpetuating Indian tribes and cultures;" and further provided that "the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful, and shall not be prohibited by the United States or any State"; and

**WHEREAS**, the AIRFA affirms use of Peyote only in "bona fide ceremonies" for use only by members of Indian tribes as defined in the AIRFA amendment of 1994, in order to ensure this traditional medicine is protected; and

**WHEREAS**, Peyote has been consumed by the Indigenous Peoples of present-day North and South America for religious, cultural, and ceremonial purposes since time immemorial; and

**WHEREAS**, the number of Peyote plants has decreased drastically in recent years, threatening the long-term sustainability of the current wild populations, and depleting the number of plants that could be available for future generations; and

**WHEREAS**, Peyote is a slow-growing plant, and it can take more than a decade to reach maturity; and

**WHEREAS**, the current Peyote population has suffered from habitat destruction, harmful ranching practices, illegal poaching, and non-holistic harvesting approaches; and

**WHEREAS**, Peyote, like all living things, is affected by climate change and faces threats to its very existence; and

**WHEREAS**, the International Union for Conservation of Nature has already categorized Peyote as a vulnerable species; and

**WHEREAS**, widescale personal and corporate cultivation of the Peyote plant threatens the historical and cultural biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of federal law regarding restrictions on Peyote use; and

**WHEREAS**, the legalization and decriminalization of Peyote consumption beyond the already hundreds of thousands of members of the Native American Church will create a demand and market for Peyote that further threatens the existing wild population; and

**WHEREAS**, the movement to legalize and/or decriminalize Peyote use at the state and local government level directly threatens the availability of Peyote and therefore threatens the integrity of the ceremonial use of Peyote by AI/AN people and would be contrary to the doctrine of federal preemption, whereby federal law supersedes state law in this area; and

**WHEREAS**, resolution SAC-21-038 was passed at NCAI's 2021 Annual Conference and the title does not accurately reflect the contents of the resolution.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) opposes the legalization and decriminalization of Peyote at the federal, state, and local government levels except for use "by an Indian for bona fide traditional ceremonial purposes", and further opposes the extraction of mescaline from the Peyote plant for any reason other than these ceremonial purposes; and

**BE IT FURTHER RESOLVED**, that the NCAI calls upon the federal government to exercise its prerogatives under the doctrine of federal preemption to block state and local governments efforts to legalize and decriminalize Peyote use, in violation of AIRFA; and

**BE IT FURTHER RESOLVED**, that the NCAI calls upon the White House Council on Native American Affairs, in coordination with the Department of the Interior, the Department of Agriculture, the Department of Homeland Security, the Drug Enforcement Agency, U.S. Customs and Border Protection, the Environmental Protection Agency, and any additional federal departments and agencies with relevant responsibilities, to: (1) convene and conduct a review of federal programs to determine a culturally-sensitive approach to facilitating the protection of Peyote habitats and the restoration of Peyote populations in the wild; (2) identify funding to address the threats to the long-term viability of the Peyote plant; and (3) to address other impediments to the legitimate use of Peyote, such as cross-border restrictions; and

**BE IT FURTHER RESOLVED**, that the NCAI opposes efforts by states and local governments to legalize, decriminalize, or otherwise authorize any and all uses of Peyote and its byproducts by non-American Indian and Alaska Native (AI/ANs) Peoples as it endangers AI/AN religious, cultural, and ceremonial practices; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon state and local governments to accord the principles of respect and recognition to federal and tribal laws regarding the religious, cultural, and ceremonial significance of the Peyote plant to AI/AN Peoples, to respect the documented decline of the Peyote habitat and current efforts underway to protect Peyote from further decline, and to respect the clearly articulated congressional intent to protect the sacred plant as found in the American Indian Religious Freedom Act as amended; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

### **CERTIFICATION**

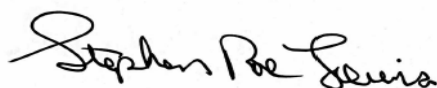
The foregoing resolution was adopted by the Executive Committee at the Executive Council Winter Session of the National Congress of American Indians, held February 13-14, 2022, with a quorum present.



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Fawn Sharp, President

**ATTEST:**



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Stephen Roe Lewis, Recording Secretary



## JOINT ORGANIZATIONAL STATEMENT

### CEREMONIAL AND CULTURAL DISPOSSESSION, EXPLOITATION, AND INADEQUATE CONSULTATION

#### NATIONAL CONGRESS OF AMERICAN INDIANS, NATIVE AMERICAN CHURCH OF NORTH AMERICA, NATIVE AMERICAN CHURCH OF OKLAHOMA

As a coalition of stakeholders representing the interest of American Indian Religious Freedom and the Native American Church's Peyote practitioners, we are deeply alarmed and concerned at the accelerating attempts of pharmaceutical companies to appropriate traditional plant knowledge and traditional plant medicines, in particular, mescaline derived or synthesized from Peyote (*Lophophora williamsii*). In response to this, and other similar events, we are requesting that both the U.S. Food and Drug Administration (FDA), and the U.S. Patent and Trademark Office (PTO) engage in government-to-government consultation on the issue of patenting medical treatments or other inventions based on and/or utilizing Peyote, its derivatives, and/or any synthetic variants as soon as possible and, in any case, prior to any patents being issued and/or any approvals of any kind being authorized for production or use.

This request is being made because recently, Journey Colab<sup>1</sup> a pharmaceutical company, applied for "patents" and FDA approval to synthesize mescaline and offer corresponding proprietary therapy for the treatment of addiction and other mental health disorders. We understand that the same company has marketed to both investors and the FDA a pharmaceutical business model based on shared benefit, reciprocity, and founding equity for relevant Indigenous Peyote communities. Further, Journey Colab claims to have engaged in a consultation process<sup>2</sup> inspired by the United Nations Framework of Free, Prior and Informed Consent (FPIC)). Regarding its advancement of patent applications and pursuit of FDA approval, Journey Colab is claiming to be, "one of the first psychedelic drug development companies to implement consultation with Indigenous communities regarding access and benefit sharing, with a consultation process inspired by the United Nations international human rights standards of Free, Prior, and Informed Consent and the Nagoya Protocol" and has further stated that "Journey Colab has committed to access and benefit sharing with Indigenous communities through the creation of the Journey Reciprocity Trust."

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<sup>1</sup> Journey Colab Home <https://www.journeycolab.com>

<sup>2</sup> Journey Colab Consultation Process <https://www.journeycolab.com/consultation-process>

The Native American Church of North America (NACNA) conducted inquiries to Jeeshan Chowdhury (Co-Founder & CEO of Journey Colab) and Sutton King (former Chief Impact Officer) to find out how Journey Colab conducted their consultation and obtained consent from Indigenous Peyote communities. NACNA also requested copies of their consultation record and a listing of the individuals and organizations that were represented during the consultation process. To date, Journey Colab has neither provided a list of who they consulted with nor provided verification that these claimed individuals and “Indigenous representatives” were authorized by the organizations or Indigenous communities they purported to represent. There has been no release of the “findings” or reports documenting consultation and no verifiable mechanism that FPIC was sought from relevant Peyote communities or Tribal Nations.

The Native American Church of North America, Native American Church of Oklahoma, and National Congress of American Indians (NCAI) declare that these historical institutions of representation, which have been entrusted by Indian country to advocate on behalf of the Native American Church, were not consulted, were not offered an opportunity to express viewpoints concerning the commercialization of our heritage molecule extracted from Peyote, and were not apprised that any consultations were, in fact, taking place. Given the information we have at this moment in time, we have no choice but to express our crucial concern for the legitimacy of Journey Colab’s claims.

Tribal Nations are undeniable stakeholders in culturally sacred items—such as Peyote—and our voices must not be allowed to be usurped by corporations and other non-governmental organizations, and then sanctioned by the U.S. government. Journey Colab and their unidentified consultation participants are symptomatic of a deeper problem of states and entities claiming to respect and be inclusive of Indigenous and tribal voices, but neglecting to include any voice that may express cultural principles contrary to the preordained direction of such states, corporations, and entities.

However, of bigger concern, is that Journey Colab’s actions are representative of a much larger issue whereby pharmaceutical companies are developing products based on Indigenous traditional knowledge that holds cultural and religious significance to Indigenous Peoples and are then turning to the U.S. government to provide legal recognition of rights in those developments by issuing patents and other approvals. Before such legal recognitions are granted, however, the United States must consult with Tribal Nations when the items being commodified and commercialized are exploiting Indigenous traditional knowledge and practice. The United States has a government-to-government relationship with Tribal Nations as well as a unique set of duties under the trust and treaty responsibilities to act in the best interest of Tribal Nations when possible. This relationship is grounded in the U.S. Constitution, present in hundreds of treaties, and has been reaffirmed time and again by the U.S. Supreme Court and the U.S. Congress.

The need for consultation with the U.S. PTO is especially critical due to the lack of existing legal recognition and protection for Indigenous Peoples’ rights within the U.S. intellectual property system. Efforts are underway to address this gap at the international level in negotiations taking place at the World Intellectual Property Organization. The negotiations are aimed at developing international legal instruments for the protection of Indigenous Peoples’ traditional knowledge and



traditional cultural expressions, including knowledge and practices associated with sacred plant medicine such as Peyote. The U.S. PTO represents the United States in these negotiations. Although the negotiations have been ongoing for over two decades, the U.S. PTO has never engaged in formal government-to-government consultation with Tribal Nations concerning them and has repeatedly taken positions in the negotiations contrary to tribal interests. In view of this grave dereliction, NCAI passed a resolution in 2016 calling for formal government-to-government consultation regarding the negotiations and six years later, following a continued lack of action, renewed the call by resolution in 2022. Although the U.S. PTO has indicated consultations will be held at some point, to date no consultations have been scheduled. The U.S. PTO should move forward expeditiously to schedule the initial round of consultation and additional consultations should occur on a regular basis as the negotiations are ongoing.

For all the foregoing reasons, NACNA, the Native American Church of Oklahoma, and NCAI are requesting that both the U.S. Food and Drug Administration and the U.S. Patent and Trademark Office engage in government-to-government consultation with Tribal Nations on the issue of patenting medical treatments or other inventions based on and/or utilizing Peyote, its derivatives, and/or any synthetic variants as soon as possible and, in any case, prior to any patents being issued and/or any approvals of any kind being authorized for production or use.



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Fawn Sharp, President, National Congress of American Indians



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Jon Brady, President, Native American Church of North America



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John Arkeketa, President, Native American Church of Oklahoma