

OFFICE OF THE SECRETARY OF STATE, ELECTIONS DIVISION
STATE OF COLORADO

IN THE MATTER OF SHAMAN BOTANICALS, ET AL.

L2025-01

NOTICE OF INITIAL REVIEW AND INVESTIGATION

Global Kratom Coalition (“Complainant”), through its attorney, filed the above captioned Complaint with the Elections Division of the Secretary of State’s Office (“Division”) on June 23, 2025, alleging violations of Colorado lobbying laws against “Shaman Botanicals, d/b/a American Shaman, d/b/a CBD American Shaman, d/b/a/ Dhamar Isomers, LLC” (“Respondent”).¹ Respondent is a limited liability corporation that sells a variety of CBD and CBD related products.² Complainant alleged that Respondent violated Colorado law by lobbying without first registering as a professional lobbyist.³ The Division notified Respondent of the Complaint on June 23, 2025.⁴

The Division has completed its Initial Review.⁵ For the reasons stated below, the Division initially determines that Complainant has identified potential violations of Colorado lobbying laws and has alleged sufficient facts to support a basis for those allegations.⁶ The Division therefore will investigate.⁷

ANALYSIS

Any person who believes that a professional lobbyist or lobbying firm has violated Colorado lobbying law may file a complaint with the Colorado Secretary of State.⁸ Under Rule 5.3.1 of the Rules Concerning Lobbyist Regulation, the Division must initially review a complaint to determine: (1) whether the complaint specifically identifies one or more violations of section 24-6-301 et seq., C.R.S.; and (2) whether the complaint alleges sufficient facts to support a basis for the violations of law alleged in the complaint.⁹ After completing its Initial Review, the Division

¹ Complaint L2025-01.

² <https://cbdamericanshaman.com/about>

³ *Id.*

⁴ Notice of Complaint.

⁵ Rule 5.3.1 requires the Division to conduct an initial review of the complaint. 8 CCR 1505-8, Rule 5.3.

⁶ **These initial determinations are not a determination that Respondent has violated Colorado lobbying laws.**

⁷ See 8 CCR 1505-8, Rule 5.3.2.

⁸ 8 CCR 1505-8, Rule 5.1.1.

⁹ 8 CCR 1505-8, Rule 5.3.1.

is required to take one of two steps: dismiss the complaint if the Division determines that the complaint does not meet the requirements of Rule 5.3.1, or conduct an investigation.¹⁰

1. The Complaint identifies one or more potential violations of section 24-6-301 et seq., C.R.S.

Complainant alleged that Respondent lobbied without first registering with the Secretary of State's Office.¹¹ Section 24-6-303(1), C.R.S., states:

- (1) Before lobbying, a professional lobbyist shall file an electronic registration statement with the secretary of state that contains:
 - (a) His or her full legal name, business address, and business telephone number;
 - (b) The name, address, and telephone number of his or her employer, if applicable;
 - (c) The name, address, and telephone number of the client for whom he or she will be lobbying; and
 - (d) The name, address, and telephone number of any other professional lobbyist for whom he or she is lobbying on a subcontract basis.¹²

Under Section 24-6-301(3.5)(a), C.R.S., "lobbying" means communicating directly, or soliciting others to communicate, with a "covered official" for the purpose of aiding in or influencing that covered official in "the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto" on:

1. any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the Colorado General Assembly, or committee thereof, or;
2. any other matter pending or proposed in writing by a covered official for consideration by either house of the General Assembly, or committee thereof.¹³

¹⁰ 8 CCR 1505-8, Rule 5.3.2.

¹¹ Complaint L2025-01.

¹² Rule 2.1.1 also requires that a professional lobbyist register before lobbying. 8 CCR 1508, Rule 2.1.1.

¹³ Section 24-6-301(3.5)(a), C.R.S. The definition of "lobbying" includes other activities that do not appear to apply to the pending Complaint.

Lobbying can occur regardless of whether the General Assembly is in session.¹⁴ A “covered official” includes the governor, lieutenant governor, a member of the Colorado General Assembly, the director of research of the legislative council of the General Assembly, or any member of legislative council staff.¹⁵

The registration requirements of Section 24-6-303(1), C.R.S., apply only to a “professional lobbyist.”¹⁶ Section 24-6-301(6) defines a “professional lobbyist” as “a person, business entity, including a sole proprietorship, or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying.”¹⁷ A “client” is “the person who employs or retains the professional services of one or more lobbyists to undertake lobbying on behalf of that person.”¹⁸

Unlike a professional lobbyist, a “volunteer lobbyist” under Colorado law is a lobbyist who is not being compensated for lobbying.¹⁹ Specifically, section 24-6-301(7), C.R.S., defines “volunteer lobbyist” as:

any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his lobbying.²⁰

Volunteer lobbyists need not register with the Secretary of State before lobbying but must register with the Colorado General Assembly.²¹

Here, Complainant alleged that Respondent engaged in professional lobbying without registering with the Secretary of State.²² Complainant alleged that Respondent – a limited liability company selling a variety of CBD based products – solicited its customers to submit statements opposing Senate Bill 25-072 (“SB 72”) to members of the general assembly.²³ Complainant alleged that in

¹⁴ Section 24-6-301(3.5)(a), C.R.S.

¹⁵ Section 24-6-301(1.7), C.R.S.

¹⁶ Section 24-6-303(1), C.R.S.

¹⁷ Section 24-6-301(6), C.R.S.

¹⁸ Section 24-6-301(1), C.R.S.

¹⁹ Section 24-6-301(7), C.R.S.

²⁰ *Id.*

²¹ 8 CCR 1505-8, Rule 2.2.1. See also Rule 36(c)(2), Joint Rules of the Colorado General Assembly.

²² Complaint L2025-01.

²³ *Id.* SB72 prohibits the preparation, distribution, advertisement, and sale of certain Kratom products. SB 72, located at https://leg.colorado.gov/sites/default/files/2025a_072_signed.pdf. SB 72 was introduced in the Senate on

return for contacting a member of the general assembly, Respondent would give the customer one of Respondent's products for free.²⁴

Complainant has sufficiently alleged that Respondent is a professional lobbyist who is required to register before engaging in lobbying. If this allegation is true, Respondent's failure to register is a violation of section 24-6-303(1), C.R.S. The Division initially determines that the Complainant alleges a violation of section 24-6-303, C.R.S., and therefore alleges one or more potential violations of section 24-6-301 et seq., C.R.S.

2. The Complaint contains sufficient facts to support a basis for the violations of law alleged in the Complaint.

Complainant alleged:

Shaman Botanicals, d/b/a American Shaman, d/b/a CBD American Shaman, d/b/a Dhamar Isomers, LLC, has published via email and online post an invitation to members of the public in Colorado to use links on the company's site to file with state representatives (variously to one or to all at their election) statements in opposition to Colorado SB 72.

...

In exchange for the submission of lobbying statements in opposition to Colorado SB-72, CBD American Shaman provides those who use the links certain of its products free of charge. In the instance of the filing of a statement in opposition to SB-72 via a link designated by CBD American Shaman for one state representative, CBD American Shaman gives the filer a 2-count pack of American Shaman 7-hydroxymitragynine free of charge. In the instance of the filing of a statement in opposition to SB-72 via a link designated by CBD American Shaman for all state representatives, CBD American Shaman gives the filer a 30 ml bottle of 7hydroxymitragynine. The 2-count pack has a retail value of approximately \$10.00. The 30 ml bottle has a retail value of approximately \$60. CBD American Shaman is engaged in professional lobbying through this means. To the best of my knowledge and information, CBD American Shaman did not register as a

January 22, 2024. SB 72 Bill History, located at <https://leg.colorado.gov/bills/sb25-072>. The bill was passed into the House on April 28, 2025. *Id.* The bill was passed by the General Assembly and sent to the Governor on May 15, 2025, who ultimately signed the bill into law on May 29, 2025. *Id.*

²⁴ Complaint L2025-01.

lobbyist with the Department prior to and during the commencement of this lobbying campaign.²⁵

To support these allegations, Complainant provided a screenshot of the website www.cbdamericanshaman.com/7-oh-chewable-tablets-white-vein-advanced-alkaloids.²⁶ Complainant also provided a video navigating the above web address. There, a pop-up menu appeared that matches the screenshot.

This screenshot includes a message that says “**URGENT: Protect 7-OH – Stop Colorado SB 72**”.²⁷ The message also says “Losing SB 72 means losing safe, regulated 7-OH. Your voice matters – plus you get free product for taking action. Contact 1 representative, **get a Free 2-Pack**. Contact ALL representatives, **score a FREE 30-Count Bottle!**”²⁸ The message also includes two links – one that says “**Click here to view Contact list**” and another that says “**Click Here to Copy Pre-Written Email Text**”.²⁹

In the video, clicking the first link redirects to a page listing the names, phone numbers, and email addresses of several members of Colorado’s House of Representatives. Additionally, that page states “Here is a sample template for an email you could send to legislators! Simply insert the name of the representative you are sending the email to and your name below.” The template says:

Dear [Representative Name],

I’m writing to urge you to oppose Senate Bill 72 as it moves to the Appropriations Committee. While I support the goal of ensuring safe and transparent access to kratom products, SB 72 goes too far. It would functionally ban 7 hydroxymitragynine (7-OH), a naturally derived compound that is already helping Coloradans manage chronic pain, reduce opioid use, and stay in recovery. The proposed 2% cap on 7-OH is not based in science and would remove nearly every regulated 7-OH product from the market. That threshold contradicts Colorado’s own 2022 feasibility report, which recommended testing, labeling, and sensible regulation, not prohibition. At a time with nearly 2,000 Coloradans a year are dying from overdose, we cannot afford to eliminate one of the few affordable, non-prescription tools available to people in rural and low-income communities.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* Emphasis in the original.

²⁸ *Id.* Emphasis in the original.

²⁹ *Id.* Emphasis in the original.

Please reject SB 72 and support science-backed, compassionate policy that keeps all harm reduction tools on the table.

Based on these allegations in the Complaint, the Division initially determines that the Complainant has alleged sufficient facts that, if true, support a basis for the violations of law alleged in the Complaint.

CONCLUSION

For the reasons stated above, the Division initially determines pursuant to Rule 5.3.1 that the Complainant identified one or more potential violations of section 24-6-301 et seq., C.R.S., and alleged sufficient facts to support a basis for those alleged violations of law.³⁰ Pursuant to Rule 5.3.2(b), the Division will conduct an investigation. This Notice of Initial Review and Investigation shall serve as the required notice to Respondent and Complainant under Rule 5.3.2(b) that the Division has decided to conduct an investigation.

Dated July 10, 2024.

/s/ Alex Gentry
Alex Gentry
Campaign Finance Enforcement Legal Analyst
Elections Division
Colorado Secretary of State

³⁰ **These initial determinations are not a determination that Respondent has violated Colorado lobbying laws.**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Initial Review and Investigation was served by electronic transmission this 10th day of July, 2025, to:

Complainant –
Global Kratom Coalition
c/o Attorney Jonathan Walker Emord
jemord@emord.com

Respondent –
Jim McNair
Shaman Botanicals
CBD American Shaman, LLC
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/s/ Alex Gentry

Alex Gentry
Campaign Finance Enforcement Legal Analyst
Elections Division
Colorado Secretary of State