

CITY OF SEATTLE

ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE decriminalizing Entheogens by making the investigation, arrest, and prosecution of groups and individuals engaging in Entheogen related activities the lowest law enforcement priority for the City of Seattle.

WHEREAS: Punitive drug policies disproportionately impact people of color and low-income communities;¹ and state and federal scheduling of Entheogens and other substances has served as a pretext for disrupting and criminalizing those communities, which has destroyed countless lives and torn families apart, this ordinance is an effort to begin correcting the irreparable harm caused by the U.S. war on drugs; and

WHEREAS: Depression, severe anxiety, problematic substance use, post-traumatic stress, end-of-life anxiety, grief, intergenerational trauma, and other physical and mental conditions are plaguing our communities, exacerbated by the impact of COVID-19, and the use of Entheogens has been shown to benefit the well-being of individuals and communities in addressing these afflictions via scientific and clinical studies,² and within continuing traditional and communal practices; and

WHEREAS: Several Entheogens have completed clinical trials sanctioned by the U.S. Food and Drug Administration (FDA) with positive results, including Phase 1 and 2 clinical trials demonstrating the safety and efficacy of psilocybin assisted therapy,³ which the FDA has designated a breakthrough therapy for major depressive disorder in 2019 and treatment-resistant depression in 2018;⁴ and

WHEREAS: Entheogens have been recognized as sacred to human cultures around the world for centuries,⁵ and continue to be revered and utilized to this day by venerable and sincere cultural and spiritual leaders and communities throughout the world and the United States;⁶ and

WHEREAS: Entheogens have been shown to lead to experiences that are reported as mystical and that can be demonstrably beneficial in catalyzing reported experiences of profound personal and spiritual growth, and a recent Johns Hopkins University medical study found that psilocybin occasioned mystical-type experiences considered to be among the five most meaningful experiences in a subject's life for over 75% of subjects, with continuing positive life-style changes reported after a 14-month follow-up;⁷ and

WHEREAS: The United Nations considers Entheogens as suitable for exclusion from Schedule 1 control, at least when used for religious purposes, and the Entheogen related practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom;⁸ and

WHEREAS: Seeking to improve their well-being through use of Entheogens, individuals and communities use them in fear of arrest and prosecution, while others spend large sums of money to travel to foreign countries to participate in Entheogen healing ceremonies,⁹ a privilege only wealthy individuals can afford; and

WHEREAS: A variety of jurisdictions in the United States, including Oakland, California; Santa Cruz, California; Denver, Colorado; Ann Arbor, Michigan; Washington, DC; and the State of Oregon, have decriminalized some or all Entheogens;¹⁰ a bill to decriminalize Entheogens has passed the California Senate;¹¹ and various Entheogens are legal or have been decriminalized in several countries including Portugal, Brazil, Jamaica, and the Netherlands;¹² and

WHEREAS: Since Denver became the first U.S. city to decriminalize psilocybin in 2019, there have been no known reports of serious medical or public health emergencies arising from its use;¹³ and

WHEREAS: Research conducted in countries where Entheogens have been decriminalized, such as the Netherlands and Portugal, concluded that the availability of Entheogens poses little or no risk to individuals or public health, and in some cases reduces the consumption of more harmful substances;¹⁴ and

WHEREAS: Safe practice guidelines and principles have been developed by traditional and medically licensed practitioners to promote the safe and responsible use of Entheogens; now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter x.x00 is added to the Seattle Municipal Code as follows:

Chapter x.100 ENTHEOGEN DECRIMINALIZATION

x.x00.010 Definitions

For the purposes of this Chapter the following definitions are adopted:

"Community based organization" means a non-commercial group that works to generate improvements within a Seattle community or communities on the local level, and includes, but is not limited to, churches or other spiritual or religious groups, mental health treatment providers, and organizations focused on social justice, restorative justice, violence prevention, LGBTQ+ issues, unhoused work, victims of domestic violence, and other similar community-based needs.

"Consumption" means ingestion, inhalation, application, or any other means of accessing the benefits of Entheogens.

"Cultivation" means planting, inoculating, growing, harvesting, or preparing.

"Entheogen" is defined as any living, fresh, dried, or processed plant or fungal material, including teas or powders, that may contain currently scheduled or analog psychoactive indolamines, tryptamines, or phenethylamines, including, but not limited to, psilocybin mushrooms, ayahuasca tea, and iboga. Importantly, *Lophophora williamsii* (also known as peyote) has a particular history in the United States, a vulnerable ecological status, and a special cultural significance to Native Americans. Due to this special history and overharvesting and collapse of peyote gardens in southern Texas, and to the long time required for plants to mature in cultivation, peyote is not included in the definition of entheogens adopted by this ordinance (whereas mescaline containing cacti are included). Moreover, nothing in this

ordinance shall be construed to interfere with the current rights of Native Americans to possess, consume and cultivate peyote under the American Indian Religious Freedom Act and amendments. Similarly, because *Incilius alvarius* (the Sonoran Desert Toad) is threatened with extinction, 5-MeO-DMT extract derived by milking the glands of these toads, is excluded from the definition of entheogens. 5-MeO-DMT derived from sources other than *Incilius alvarius* is included in the definition. Finally, *Tabernanthe iboga* (iboga), and natural extracts thereof, can be produced sustainably in greenhouses and various plantations around the world, and thus are included in the definition; however, most is produced by the overharvesting of wild iboga in Gabon by poachers. Consequently, ibogaine derived from *Voacanga africanus* is the preferred source.

"Entheogen related activities" means propagation, cultivation, preparation, distillation, personal possession, transport, storage, sharing, exchange, or consumption of, or facilitation of community healing ceremonies involving Entheogens.

"Exchange" means to give, gift, provide, or barter.

"Facilitation" means to organize, arrange, support, promote, lead, supervise, or provision a community healing ceremony.

"Community healing ceremonies" means gatherings of two or more persons for the purpose of experiencing the benefits of Entheogens.

"Non-commercial group" means an organization that operates without generating a profit after paying its operating expenses.

x.x00.020 Individual and Community Use

- A. The intent of this section is to end punitive Entheogen policies that have disproportionately impacted people of color and other marginalized communities, address mental health and substance use conditions that remain unresolved due to inadequate access and effectiveness of existing therapies, and promote respect and protection for the cultural use of Entheogens by indigenous communities.
- B. Entheogen related activities shall be the lowest law enforcement priority for the City of Seattle, and no department, agency, board, commission, officer, or employee of the city, including without limitation, Seattle Police Department personnel, shall expend any city funds, manpower, or other resources on the investigation, arrest, revocation of probation or parole, imposition of pre-trial conditions, or civil or criminal prosecution of persons or community-based organizations for engaging in Entheogen related activities.

x.x00.030 Expungement of Records

As soon as this ordinance is final, the City of Seattle shall immediately and on its own initiative expunge any criminal records in existence with the City of Seattle for any person previously convicted of a crime that would be decriminalized by this ordinance.

x.x00.040 Exceptions

- A. This ordinance does not authorize or apply to any of the following activities: possession or consumption of Entheogens in schools; driving under the influence of Entheogens; or public disturbance.
- B. This ordinance does not require any person to violate federal law, nor to exempt any person from any state or federal law prohibiting the obstruction of justice.

x.x00.050 State Entheogen Legislation

- A. The City Council directs the City Administrator to direct Seattle's state lobbyist(s) to advocate for the inclusion of the contents of this ordinance in state criminal justice reform and Entheogen or psychedelics legislation.

x.x00.060 Severability, self-executing, and conflicting provisions.

- A. If any provision of this ordinance is declared by a court of competent jurisdiction to be contrary to any statute, regulation, or judicial decision, or its applicability to any agency, person, or circumstances is held invalid, the validity of the remainder of this ordinance and its applicability to any other agency, person, or circumstance shall not be affected.
- B. All terms, clauses, provisions, parts, and application of this article are self-executing except as specified herein, and except where otherwise indicated shall supersede conflicting provisions of the Seattle Municipal Code and any regulations promulgated thereto.

x.x00.070 Effective Date

This ordinance shall become effective immediately on final adoption.

References

¹ Doris Marie Provine, *Race and Inequality in the War on Drugs*, 7 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCES 41 (2011).

² Roland R. Griffiths et al., *Psilocybin Produced Substantial and Sustained Decreases in Depression and Anxiety in Patients with Life-Threatening Cancer: A Randomized Double-Blind Trial*, 30 JOURNAL OF PSYCHOPHARMACOLOGY 1181, 1195 (2016); Monnica T. Williams, *People of Color in North America Report Improvements in Racial Trauma and Mental Health Symptoms Following Psychedelic Experiences*, 28 DRUGS: EDUCATION, PREVENTION AND POLICY 215 (2020); Robin L. Carhart-Harris et al., *Psilocybin with Psychological Support for Treatment-Resistant Depression: Six-Month Follow-Up*, 235 PSYCHOPHARMACOLOGY 399, 400, 403–05 (2018); Geoffrey E. Noller, Chris M. Frampton & Berra Yazar-Klosinski, *Ibogaine treatment outcomes for opioid dependence from a twelve-month follow-up observational study*, 44 AMERICAN JOURNAL OF DRUG AND ALCOHOL ABUSE 37 (2018); Alan K. Davis et al., *Psychedelic Treatment for Trauma-Related Psychological and Cognitive Impairment Among US Special Operations Forces Veterans*, CHRONIC STRESS (Jul. 8, 2020), <https://journals.sagepub.com/doi/full/10.1177/2470547020939564>; Michael Bogenschutz et al., *Psilocybin-assisted treatment for alcohol dependence: A proof-of-concept study*, 29 JOURNAL OF PSYCHOPHARMACOLOGY 289 (2015); Débora González et al., *Therapeutic Potential of Ayahuasca in Grief: A Prospective, Observational Study*, 237 PSYCHOPHARMACOLOGY 1171 (2020); Anja Loizaga-Velder and Rolf Verres, *Therapeutic effects of ritual ayahuasca use in the treatment of substance dependence-qualitative results*, 46 JOURNAL OF PSYCHOACTIVE DRUGS 63 (2014); Deborah C. Mash et al., *Ibogaine Detoxification Transitions Opioid and Cocaine Abusers Between Dependence and Abstinence: Clinical Observations and Treatment Outcomes*, 9 FRONTIERS IN PHARMACOLOGY 529 (2018).

³ *Effects of Psilocybin in Major Depressive Disorder*, ClinicalTrials.gov (accessed June 1, 2021), <https://clinicaltrials.gov/ct2/show/NCT03181529?term=psilocybin&recrs=e&draw=2&rank=4>; *Psychopharmacology of Psilocybin in Cancer Patients*, ClinicalTrials.gov (accessed June 1, 2021), <https://clinicaltrials.gov/ct2/show/NCT00465595?term=psilocybin&recrs=e&draw=2&rank=6>.

⁴ Rachel Feltman, *The FDA is fast-tracking a second psilocybin drug to treat depression*, POPULAR SCIENCE (Nov. 26, 2019), <https://www.popsci.com/story/health/psilocybin-magic-mushroom-fda-breakthrough-depression/>.

⁵ Jamilah R. George et al., *The Psychedelic Renaissance and the Limitations of a White Dominant Medical Framework: A Call for Indigenous and Ethnic Minority Inclusion*, 4 JOURNAL OF PSYCHEDELIC STUDIES 4 (2020) (describing the ceremonial and therapeutic use of psychedelics by indigenous peoples of Africa, North America, Central America, and South America); Melanie J. Miller et al., *Chemical evidence for the use of multiple psychotropic plants in a 1,000-year-old ritual bundle from South America*, 116 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES 11207 (2019).

⁶ Pierre Didier Nyongo Ndoua & Kaveh Vaghar, *Bwiti, iboga, trance and healing in Gabon*, 21 MENTAL HEALTH, RELIGION & CULTURE 755 (2018).

⁷ Roland R. Griffiths et al., *Psilocybin can occasion mystical-type experiences having substantial and sustained personal meaning and spiritual significance*, 187 PSYCHOPHARMACOLOGY 268 (2006).

⁸ Church of the Holy Light of the Queen v. Mukasey, 615 F. Supp. 2d 1210 (Dist. Court, D. Oregon 2009).

⁹ Perdita Nouril, *Trip of a Lifetime? The Rise of Magic Mushroom Wellness Retreats*, VICE NEWS (Jan. 6, 2020), https://amuse.vice.com/en_us/article/a3myv8/magic-mushroom-retreats.

¹⁰ Deborah Becker, *Cambridge Votes to Decriminalize Psychedelics and All Controlled Substances*, WBUR (Feb. 5, 2021), <https://www.wbur.org/commonhealth/2021/02/04/cambridge-votes-to-decriminalize-psychedelics-and-all-controlled-substances>; *Ann Arbor decriminalizes magic mushrooms, psychedelic plants*, ASSOCIATED PRESS (Sept. 26, 2020), <https://apnews.com/article/ann-arbor-plants-featured-ca-state-wire-mi-state-wire-b0ce69ca0961c150e0f900e8ea4cf432>; Andrew Selsky, *Oregon 1st state to decriminalize possession of drugs*, ASSOCIATED PRESS (Feb. 1, 2021), <https://apnews.com/article/oregon-decriminalize-drug-possession-6843f93c3d55212e0ffb8b93be9196>.

¹¹ Tracy Bloom and Erin Myers, *California moves closer to decriminalizing psychedelic drugs as bill passes state Senate*, KTLA (June 3, 2021), <https://ktla.com/news/california/california-moves-closer-to-decriminalizing-psychedelic-drugs/>.

¹² Andrew Whalen, *Magic Mushrooms Guide: Where Shrooms Are Legal and How to Take Psilocybin*, NEWSWEEK (July 3, 2019), <https://www.newsweek.com/magic-mushrooms-psilocybin-shrooms-denver-legal-how-take-1445041>; Jeff Lebowe, *A Global Guide to Where Magic Mushrooms and Psilocybin Are Legal or Decriminalized*, MERRY JANE (May 28, 2020), <https://merryjane.com/culture/a-global-guide-to-where-magic-mushrooms-and-psilocybin-are-legal-or-decriminalized>.

¹³ Conor McCormick-Cavanagh, *Is Denver Ready for Further Mushroom Decriminalization?*, WESTWORLD (March 22, 2021), <https://www.westword.com/news/denver-panel-pushing-mushroom-decriminalization-psilocybin-11922317>.

¹⁴ Jan van Amsterdam, Antoon Opperhuizen & Wim van den Brink, *Harm potential of magic mushroom use: A Review*, 59 REGULATORY TOXICOLOGY AND PHARMACOLOGY 423 (2011); Christopher Ingraham, *Why hardly anyone dies from a drug overdose in Portugal*, WASHINGTON POST (June 5, 2015), <https://www.washingtonpost.com/news/wonk/wp/2015/06/05/why-hardly-anyone-dies-from-a-drug-overdose-in-portugal/>.