

**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

..title

A RESOLUTION declaring that the investigation, arrest, and prosecution of anyone engaging in entheogen-related activities should be among The City of Seattle’s lowest law enforcement priorities and stating the Council’s support for full decriminalization of these activities.

..body

WHEREAS, punitive drug policies disproportionately impact people of color and low-income communities; 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 resolution is an effort to begin correcting the irreparable harm caused by the U.S. war on drugs; and

WHEREAS, entheogens is a term encompassing 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, mescaline, and iboga; and

WHEREAS, with respect to Tabernanthe iboga (ibogaine), most of it is produced by overharvesting Tabernanthe iboga, with the exception of that which is derived from Voacanga africanus and sustainably produced; and

WHEREAS, Lophophora williamsii (also known as peyote) has a particular history in the United States, a vulnerable ecological status, and a ~~special-religious and~~ cultural significance to ~~Native Americans~~Indigenous people of the American Southwest. 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 resolution; and

1 WHEREAS, depression, severe anxiety, problematic substance use, post-traumatic stress, end-  
2 of-life anxiety, grief, intergenerational trauma, and other physical and mental conditions  
3 are plaguing many communities, exacerbated by the impact of COVID-19, and the use of  
4 entheogens has been shown to benefit the well-being of individuals and communities in  
5 addressing these afflictions via scientific and clinical studies,<sup>1</sup> and within continuing  
6 traditional and communal practices; and

7 WHEREAS, several entheogens have completed clinical trials sanctioned by the U.S. Food and  
8 Drug Administration (FDA) with positive results, including Phase 1 and 2 clinical trials  
9 demonstrating the safety and efficacy of psilocybin assisted therapy,<sup>2</sup> which the FDA has  
10 designated a breakthrough therapy for treatment-resistant depression in 2018 and major  
11 depressive disorder in 2019;<sup>3</sup> and

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<sup>1</sup> 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).

<sup>2</sup> *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>.

<sup>3</sup> 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/>.

1 WHEREAS, entheogens have been recognized as sacred to human cultures around the world for  
2 centuries,<sup>4</sup> and continue to be revered and utilized,<sup>4</sup> to this day by venerable and sincere  
3 cultural and spiritual leaders and communities throughout the world and the United  
4 States;<sup>5</sup> and

5 WHEREAS, entheogen use is a constituent element of many other healing and personal growth  
6 practices, including but not limited to some 12-step and group therapy programs, and  
7 including both facilitated and non-facilitated group practices and those that are self-  
8 directed at the individual level; and

9 WHEREAS, a variety of jurisdictions in the United States, including Oakland, California; Santa  
10 Cruz, California; Denver, Colorado; Ann Arbor, Michigan; Washington, D.C.; and the  
11 State of Oregon, have decriminalized some or all entheogens;<sup>6</sup> a bill to decriminalize  
12 entheogens has passed the California Senate;<sup>7</sup> and various entheogens are legal or have  
13 been decriminalized in several countries including Portugal, Brazil, Jamaica, and the  
14 Netherlands;<sup>8</sup> and

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<sup>4</sup> 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).

<sup>5</sup> Pierre Didier Nyongo Ndoua & Kaveh Vaghar, *Bwiti, iboga, trance and healing in Gabon*, 21 MENTAL HEALTH, RELIGION & CULTURE 755 (2018).

<sup>6</sup> 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 1<sup>st</sup> state to decriminalize possession of drugs*, ASSOCIATED PRESS (Feb. 1, 2021), <https://apnews.com/article/oregon-decriminalize-drug-possession-6843f93c3d55212e0ffbdd8b93be9196>.

<sup>7</sup> 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/>.

<sup>8</sup> 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*,

1 WHEREAS, it is the current enforcement practice of the Seattle Police Department (SPD)  
2 neither to detain nor arrest individuals, nor to confiscate drugs from individuals, solely  
3 for suspected violations or violations of Section 69.50.4013 of the Revised Code of  
4 Washington (RCW), which is applicable to the possession of entheogens as controlled  
5 substances in the meaning of RCW 69.50.101(g); and

6 WHEREAS, current SPD enforcement practice does not protect from arrest or prosecution  
7 individuals who cultivate entheogens for use in religious, spiritual, healing, or personal  
8 growth practices, either for their sole individual use or for the shared use of themselves  
9 and other practitioners, nor does it protect from arrest or prosecution individuals whose  
10 possession and/or cultivation of entheogens becomes evident to SPD officers during an  
11 encounter that was initiated other than on the basis of RCW 69.50.4013; and

12 WHEREAS, current SPD enforcement practice does not protect from arrest or prosecution  
13 individuals who share entheogens with others, without financial or other consideration,  
14 for their mutual use in religious, spiritual, healing, or personal growth practices; and

15 WHEREAS, current SPD practices regarding entheogens are not formally codified as  
16 departmental policy; and

17 WHEREAS, the United Nations considers entheogens as suitable for exclusion from Schedule I  
18 control, at least when used for religious purposes, and the entheogen-related practices of  
19 certain groups are already explicitly protected in the U.S. under the doctrine of religious  
20 freedom;<sup>9</sup> and

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MERRY JANE (May 28, 2020), <https://merryjane.com/culture/a-global-guide-to-where-magic-mushrooms-and-psylocybin-are-legal-or-decriminalized>.

<sup>9</sup> *Church of the Holy Light of the Queen v. Mukasey*, 615 F. Supp. 2d 1210 (Dist. Court, D. Oregon 2009).

1 WHEREAS, it is the Council’s intent to analyze the Seattle Municipal Code (SMC) to determine  
2 what changes would be necessary to protect from arrest or prosecution individuals who  
3 cultivate entheogens for use in religious, spiritual, healing, or personal growth practices,  
4 either for their sole individual use or for the shared use of themselves; individuals whose  
5 possession and/or cultivation of entheogens becomes evident to SPD officers during an  
6 encounter that was initiated other than on the basis of RCW 69.50.4013; and individuals  
7 who share entheogens with others, without financial or other consideration, for their  
8 mutual use in religious, spiritual, healing, or personal growth practices; and

9 WHEREAS, it is the Council’s intent to advance legislation amending the SMC to protect from  
10 arrest or prosecution such individuals as described above; and

11 WHEREAS, it is the Council’s intent to advance legislation establishing entheogen-related  
12 activities, including but not limited to the cultivation of entheogens for use in religious,  
13 spiritual, healing, or personal growth practices and the sharing of entheogens with co-  
14 practitioners without financial or other consideration, among the City’s lowest  
15 enforcement priorities; and

16 WHEREAS, it is the Council’s intent to request the Office of Intergovernmental Relations to add  
17 to its annual legislative agenda support for ~~full~~-decriminalization of entheogens at the  
18 state level, ~~including the drafting of legislation that could be sponsored by a state~~  
19 ~~legislative representative~~; NOW, THEREFORE,

20 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

21 Section 1. The Council declares that the investigation, arrest, and prosecution of anyone  
22 engaging in entheogen-related activities, including but not limited to the cultivation of  
23 entheogens for use in religious, spiritual, healing, or personal growth practices and the sharing of

1 entheogens with co-practitioners without financial or other consideration, should be among The  
2 City of Seattle’s lowest enforcement priorities. The Council states its support for full  
3 decriminalization of these activities.

4 Section 2. The Council affirms its support for the Seattle Police Department (SPD)’s  
5 current enforcement practice with respect to entheogens neither to detain nor arrest individuals,  
6 nor to confiscate these substances from individuals, solely for suspected violations or violations  
7 of RCW 69.50.4013. The Council requests that SPD move towards the formal codification and  
8 adoption of that practice as departmental policy and provide regular updates to the Council on  
9 the steps it is taking to do so and an estimated timeframe for completing this work.

10 Section 3. The Council requests that SPD formally codify and adopt policies that protect  
11 from arrest or prosecution individuals who cultivate entheogens for use in religious, spiritual,  
12 healing, or personal growth practices and those who share entheogens with others, without  
13 financial or other consideration, for their mutual use in such practices. The Council further  
14 requests that SPD provide it with regular updates on the steps it is taking to do so and an  
15 estimated timeframe for completing this work.

16 Section 4. The Council requests that the Office of Intergovernmental Relations (OIR) add  
17 to its ~~annual~~ agenda for the 2022 state legislative session support for ~~full~~ decriminalization of  
18 entheogens at the state level, ~~including the drafting of legislation that could be sponsored by a~~  
19 ~~state legislative representative.~~

1 Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,

2 and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of

3 \_\_\_\_\_, 2021.

4 \_\_\_\_\_

5 President \_\_\_\_\_ of the City Council

6 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

7 \_\_\_\_\_

8 Monica Martinez Simmons, City Clerk

9 (Seal)