



Legislation Text

File #: Res 32021, Version: 2

CITY OF SEATTLE

RESOLUTION _____

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.

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 religious and cultural significance to 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

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 many 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, 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, which the FDA has designated a breakthrough therapy for treatment-resistant depression in 2018 and major depressive disorder in 2019; and

WHEREAS, entheogens have been recognized as sacred to human cultures around the world for centuries, 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; and

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

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

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

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

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

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

WHEREAS, the United Nations considers entheogens as suitable for exclusion from Schedule I 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; and

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

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

WHEREAS, it is the Council's intent to advance legislation establishing entheogen-related activities, including but not limited to the cultivation of entheogens for use in religious, spiritual, healing, or personal growth practices and the sharing of entheogens with co-practitioners without financial or other consideration,

among the City’s lowest enforcement priorities; and

WHEREAS, it is the Council’s intent to request the Office of Intergovernmental Relations to add to its annual legislative agenda support for decriminalization of entheogens at the state level; NOW, THEREFORE,

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

Section 1. The Council declares that the investigation, arrest, and prosecution of anyone engaging in entheogen-related activities, including but not limited to the cultivation of entheogens for use in religious, spiritual, healing, or personal growth practices and the sharing of entheogens with co-practitioners without financial or other consideration, should be among The City of Seattle’s lowest enforcement priorities. The Council states its support for full decriminalization of these activities.

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

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

Section 4. The Council requests that the Office of Intergovernmental Relations (OIR) add to its agenda for the 2022 state legislative session support for decriminalization of entheogens at the state level.

Adopted by the City Council the _____ day of _____, 2021, and signed by

me in open session in authentication of its adoption this _____ day of _____, 2021.

President _____ of the City Council

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)