

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation 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.

Summary and background of the Legislation: This resolution addresses entheogens, which it defines 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. “Scheduled” refers to Schedule I or Schedule II of the Federal Controlled Substances Act. An analog substance is one that has substantial structural or pharmacological similarities to a scheduled substance (or is so represented), is not an approved medication in the United States, and is intended for human consumption. The resolution also acknowledges the use of entheogens in religious, spiritual, healing, and personal growth contexts (for instance, in some 12-step programs and in recovery from trauma).

In the wake of the *State v. Blake* decision, in February 2021 the Seattle Police Department (SPD) issued a directive to the effect that sole violations of Section 69.50.4013 of the Revised Code of Washington (RCW) were no longer a sufficient basis for SPD to detain or arrest an individual. RCW 69.50.4013 is also known as simple drug possession, and it is applicable to entheogens. The resolution affirms support for the current SPD practice, and it requests that SPD formally codify and adopt it as policy with respect to entheogens, updating the Council on the steps it is taking toward that goal and providing an approximate date for its completion.

The current SPD practice does not provide protections from arrest or prosecution for individuals who cultivate entheogens for use in religious, spiritual, healing, or personal growth contexts nor for those who share entheogens with others, without financial consideration, in one or more of these contexts. The resolution additionally requests of SPD that it develop and codify policies that protect these individuals from arrest or prosecution and update the Council on the steps it is taking toward that goal, providing an approximate date for its completion.

The resolution declares the Council’s support for the decriminalization of entheogen-related activities. It states the Council’s intent, at a later date, to advance legislation that revises the Seattle Municipal Code (SMC) to (1) establish entheogen-related offenses among the City’s lowest enforcement priorities and (2) provide protections from arrest or prosecution for entheogen users, for those who cultivate entheogens for use in one or more of the contexts listed here, and for those who share entheogens with others in one or more of those contexts without financial consideration.

Finally, the resolution requests that the Office of Intergovernmental Affairs add to its agenda for the 2022 legislative session support at the state level for decriminalization of entheogens.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___X___ No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2026:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___X___ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

N/A

Is there financial cost or other impacts of *not* implementing the legislation?

If the resolution is not passed, stakeholders and advocacy groups, the members of which include physicians and therapeutic practitioners, will understand that at this time the Council does not support full decriminalization of entheogens and/or the strengthening of protections for those who engage in entheogen-related activities.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
The resolution addresses the enforcement practices of the Seattle Police Department (SPD). It makes requests of SPD and the Office of Intergovernmental Relations.
- b. **Is a public hearing required for this legislation?**
No
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- d. **Does this legislation affect a piece of property?**
No
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged**

communities? What is the Language Access plan for any communications to the public?

Punitive drug policies disproportionately impact people of color and low-income communities. Some of the entheogens that the resolution addresses are used by BIPOC communities in religious, spiritual, healing, or personal growth contexts – for instance, iboga.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

N/A

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

N/A

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).

N/A

List attachments/exhibits below: